

**Calendar No. 688**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2206****[Report No. 114–384]**

To reduce the incidence of sexual harassment and assault at the National Oceanic and Atmospheric Administration, to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

OCTOBER 26, 2015

Mr. SULLIVAN (for himself, Mr. SCHATZ, Mr. THUNE, Mr. NELSON, Ms. CANTWELL, Mr. GRASSLEY, Mr. WICKER, Ms. AYOTTE, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 28, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To reduce the incidence of sexual harassment and assault at the National Oceanic and Atmospheric Administration, to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “National Oceanic and Atmospheric Administration Sex-  
 6 ual Harassment and Assault Prevention Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
 8 this Act is as follows:

Sec. 1. Short title; table of contents:

**TITLE I—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT  
 THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Sec. 101. Actions to address sexual harassment at National Oceanic and At-  
 mospheric Administration.

Sec. 102. Actions to address sexual assault at National Oceanic and Atmos-  
 pheric Administration.

Sec. 103. Rights of the victim of a sexual assault.

Sec. 104. Change of station.

Sec. 105. Applicability of policies to crews of vessels secured by National Oee-  
 anic and Atmospheric Administration under contract.

Sec. 106. Annual report on sexual assaults in the National Oceanic and Atmos-  
 pheric Administration.

Sec. 107. Definition.

**TITLE II—COMMISSIONED OFFICER CORPS OF THE NATIONAL  
 OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Sec. 201. References to National Oceanic and Atmospheric Administration  
 Commissioned Officer Corps Act of 2002.

**Subtitle A—General Provisions**

Sec. 211. Strength and distribution in grade.

Sec. 212. Recalled officers.

Sec. 213. Obligated service requirement.

Sec. 214. Training and physical fitness.

Sec. 215. Recruiting materials.

Sec. 216. Charter vessel safety policy.

Sec. 217. Technical correction.

**Subtitle B—Parity and Recruitment**

Sec. 221. Education loans.

Sec. 222. Interest payments.

Sec. 223. Student pre-commissioning program.

Sec. 224. Limitation on educational assistance.

- Sec. 225. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.
- Sec. 226. Applicability of certain provisions of title 37, United States Code.
- Sec. 227. Legion of Merit award.
- Sec. 228. Prohibition on retaliatory personnel actions.
- Sec. 229. Penalties for wearing uniform without authority.
- Sec. 230. Application of certain provisions of competitive service law.
- Sec. 231. Employment and reemployment rights.
- Sec. 232. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.
- Sec. 233. Direct hire authority.

#### Subtitle C—Appointments and Promotion of Officers

- Sec. 241. Appointments.
- Sec. 242. Personnel boards.
- Sec. 243. Delegation of authority.
- Sec. 244. Assistant Administrator of the Office of Marine and Aviation Operations.
- Sec. 245. Temporary appointments.
- Sec. 246. Officer candidates.
- Sec. 247. Procurement of personnel.

#### Subtitle D—Separation and Retirement of Officers

- Sec. 251. Involuntary retirement or separation.
- Sec. 252. Separation pay.

### TITLE III—HYDROGRAPHIC SERVICES

- Sec. 301. Reauthorization of Hydrographic Services Improvement Act of 1998.

1 **TITLE I—SEXUAL HARASSMENT**  
 2 **AND ASSAULT PREVENTION**  
 3 **AT THE NATIONAL OCEANIC**  
 4 **AND ATMOSPHERIC ADMINIS-**  
 5 **TRATION**

6 **SEC. 101. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**  
 7 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
 8 **MINISTRATION.**

- 9 (a) **REQUIRED POLICY.**—Not later than 1 year after  
 10 the date of the enactment of this Act, the Secretary of  
 11 Commerce shall, acting through the Under Secretary for

1 Oceans and Atmosphere, develop a policy on the preven-  
2 tion of and response to sexual harassment involving em-  
3 ployees of the National Oceanic and Atmospheric Adminis-  
4 tration, members of the commissioned officer corps of the  
5 Administration, and individuals who work with or conduct  
6 business on behalf of the Administration.

7 (b) MATTERS TO BE SPECIFIED IN POLICY.—The  
8 policy developed under subsection (a) shall include—

9 (1) a program to promote awareness of the inci-  
10 dence of sexual harassment; and

11 (2) clear procedures an individual should follow  
12 in the case of an occurrence of sexual harassment,  
13 including—

14 (A) a specification of the person or persons  
15 to whom an alleged occurrence of sexual harass-  
16 ment should be reported by an individual and  
17 options for confidential reporting, including—

18 (i) options for after-hours contact;  
19 and

20 (ii) procedures for assistance while  
21 working in a remote scientific field camp,  
22 at sea, or in another field status; and

23 (B) a specification of any other person  
24 whom the victim should contact.

1           (c) AVAILABILITY OF POLICY.—The Secretary shall  
2 ensure that the policy developed under subsection (a) is  
3 available to all employees of the Administration and mem-  
4 bers of the commissioned officer corps of the Administra-  
5 tion, including those employees and members who conduct  
6 field work for the Administration.

7           (d) GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOY-  
8 MENT OPPORTUNITY PERSONNEL.—The Secretary shall  
9 ensure that at least 1 employee of the Administration who  
10 is tasked with handling matters relating to equal employ-  
11 ment opportunity or sexual harassment is stationed—

12           (1) in each region in which the Administration  
13 conducts operations; and

14           (2) in each marine and aviation center of the  
15 Administration.

16           (e) QUARTERLY REPORTS.—

17           (1) IN GENERAL.—Not less frequently than 4  
18 times each year, the Director of the Civil Rights Of-  
19 fice of the Administration shall submit to the Assist-  
20 ant Administrator of the Office of Marine and Avia-  
21 tion Operations a report on sexual harassment in the  
22 Administration.

23           (2) CONTENTS.—Each report submitted under  
24 paragraph (1) shall include the following:

1           (A) Number of sexual harassment cases,  
2           both actionable and non-actionable, involving  
3           individuals covered by the policy developed  
4           under subsection (a):

5           (B) Such trends or region specific issues  
6           as the Director may have discovered with re-  
7           spect to sexual harassment in the Administra-  
8           tion:

9           (C) Such recommendations as the Director  
10          may have with respect to sexual harassment in  
11          the Administration.

12 **SEC. 102. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**  
13 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
14 **ISTRATION.**

15          (a) **COMPREHENSIVE POLICY ON PREVENTION AND**  
16 **RESPONSE TO SEXUAL ASSAULTS.**—Not later than 1 year  
17 after the date of the enactment of this Act, the Secretary  
18 of Commerce shall, acting through the Under Secretary  
19 for Oceans and Atmosphere, develop a comprehensive pol-  
20 icy on the prevention of and response to sexual assaults  
21 involving employees of the National Oceanic and Atmos-  
22 pheric Administration, members of the commissioned offi-  
23 cer corps of the Administration, and individuals who work  
24 with or conduct business on behalf of the Administration.

1           (b) ~~ELEMENTS OF COMPREHENSIVE POLICY.~~—The  
2 comprehensive policy developed under subsection (a) shall,  
3 at a minimum, address the following matters:

4           (1) Prevention measures.

5           (2) Education and training on prevention and  
6 response.

7           (3) Clear procedures an individual should follow  
8 in the case of an occurrence of sexual assault, in-  
9 cluding—

10           (A) a specification of the person or persons  
11 to whom an alleged occurrence of sexual assault  
12 should be reported by an individual and options  
13 for confidential reporting, including—

14           (i) options for after-hours contact;  
15           and

16           (ii) procedures for assistance while  
17 working in a remote scientific field camp,  
18 at sea, or in another field status;

19           (B) a specification of any other person  
20 whom the victim should contact; and

21           (C) procedures on the preservation of evi-  
22 dence necessary for investigation of the alleged  
23 occurrence.

24           (4) Easy and ready availability of information  
25 regarding the procedures described in paragraph (3).

1           (5) Investigation of complaints by command  
2           and law enforcement personnel.

3           (6) Medical treatment of victims.

4           (7) Confidential reporting of incidents.

5           (8) Victims advocacy and intervention, includ-  
6           ing establishment of victim advocates as described in  
7           subsection (c).

8           (9) Oversight by the Assistant Administrator of  
9           the Office of Marine and Aviation Operations of ad-  
10          ministrative and disciplinary actions in response to  
11          substantiated incidents of sexual assault.

12          (10) Liaison and collaboration with other Fed-  
13          eral agencies on the provision of services to victims  
14          of sexual assault.

15          (11) Uniform collection of data on the incidence  
16          of sexual assaults and on disciplinary actions taken  
17          in substantiated cases of sexual assault.

18          (c) VICTIM ADVOCACY.—

19                (1) IN GENERAL.—The Secretary, acting  
20                through the Under Secretary, shall establish victim  
21                advocates to advocate for victims of sexual assaults  
22                involving employees of the Administration, members  
23                of the commissioned officer corps of the Administra-  
24                tion, and individuals who work with or conduct busi-  
25                ness on behalf of the Administration.

1           (2) VICTIM ADVOCATES.—For purposes of this  
2 subsection, a victim advocate is a permanent em-  
3 ployee of the Administration who—

4           (A) is trained in matters relating to sexual  
5 assault and the comprehensive policy developed  
6 under subsection (a); and

7           (B) serves as a victim advocate voluntarily  
8 and in addition to the employee's other duties  
9 as an employee of the Administration.

10          (3) PRIMARY DUTIES.—The primary duties of a  
11 victim advocate established under paragraph (1)  
12 shall include the following:

13           (A) Supporting victims of sexual assault  
14 and informing them of their rights and the re-  
15 sources available to them as victims.

16           (B) Acting as a companion in navigating  
17 investigative, medical, mental and emotional  
18 health, and recovery processes relating to sexual  
19 assault.

20           (C) Helping ensure the safety of victims of  
21 sexual assault.

22          (4) LOCATION.—The Secretary shall ensure  
23 that at least 1 victim advocate established under  
24 paragraph (1) is stationed—

1           (A) in each region in which the Adminis-  
2           tration conducts operations; and

3           (B) in each marine and aviation center of  
4           the Administration.

5           (5) HOTLINE.—

6           (A) IN GENERAL.—In carrying out this  
7           subsection, the Secretary shall establish a tele-  
8           phone number at which a victim of a sexual as-  
9           sault can get in touch with a victim advocate.

10          (B) 24-HOUR ACCESS.—The Secretary  
11          shall ensure that the telephone number estab-  
12          lished under subparagraph (A) is monitored at  
13          all times.

14          (d) AVAILABILITY OF POLICY.—The Secretary shall  
15          ensure that the policy developed under subsection (a) is  
16          available to all employees of the Administration and mem-  
17          bers of the commissioned officer corps of the Administra-  
18          tion, including those employees and members who conduct  
19          field work for the Administration.

20          **SEC. 103. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

21          A victim of a sexual assault covered by the com-  
22          prehensive policy developed under section 102(a) has the  
23          right to be reasonably protected from the accused.

1 **SEC. 104. CHANGE OF STATION.**

2 (a) CHANGE OF STATION, UNIT TRANSFER, OR  
3 CHANGE OF WORK LOCATION OF VICTIMS.—

4 (1) TIMELY CONSIDERATION AND ACTION UPON  
5 REQUEST.—The Secretary of Commerce, acting  
6 through the Under Secretary for Oceans and Atmos-  
7 phere, shall—

8 (A) in the case of a member of the com-  
9 missioned officer corps of the National Oceanic  
10 and Atmospheric Administration who was a vic-  
11 tim of a sexual assault, in order to reduce the  
12 possibility of retaliation or further sexual as-  
13 sault, provide for timely determination and ac-  
14 tion on an application submitted by the victim  
15 for consideration of a change of station or unit  
16 transfer of the victim; and

17 (B) in the case of an employee of the Ad-  
18 ministration who was a victim of a sexual as-  
19 sault, to the degree practicable and in order to  
20 reduce the possibility of retaliation against the  
21 employee for reporting the sexual assault, ac-  
22 commodate a request for a change of work loca-  
23 tion of the victim.

24 (2) PROCEDURES.—

25 (A) PERIOD FOR APPROVAL AND DIS-  
26 APPROVAL.—The Secretary, acting through the

1 Under Secretary, shall ensure that an applica-  
 2 tion or request submitted under paragraph (1)  
 3 for a change of station, unit transfer, or change  
 4 of work location is approved or denied within  
 5 72 hours of the submission of the application or  
 6 request.

7 (B) REVIEW.—If an application or request  
 8 submitted under paragraph (1) by a victim of  
 9 a sexual assault for a change of station, unit  
 10 transfer, or change of work location of the vic-  
 11 tim is denied—

12 (i) the victim may request the Sec-  
 13 retary review the denial; and

14 (ii) the Secretary, acting through the  
 15 Under Secretary, shall, not later than 72  
 16 hours after receiving such request, affirm  
 17 or overturn the denial.

18 (b) CHANGE OF STATION, UNIT TRANSFER, AND  
 19 CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-  
 20 TORS.—

21 (1) IN GENERAL.—The Secretary, acting  
 22 through the Under Secretary, shall develop a policy  
 23 for the protection of victims of sexual assault de-  
 24 scribed in subsection (a)(1) by providing the alleged  
 25 perpetrator of the sexual assault with a change of

1 station, unit transfer, or change of work location, as  
 2 the case may be, if the alleged perpetrator is a mem-  
 3 ber of the commissioned officer corps of the Admin-  
 4 istration or an employee of the Administration.

5 (2) POLICY REQUIREMENTS.—The policy re-  
 6 quired by paragraph (1) shall include the following:

7 (A) A means to control access to the vic-  
 8 tim.

9 (B) Due process for the victim and the al-  
 10 leged perpetrator.

11 (c) REGULATIONS.—

12 (1) IN GENERAL.—The Secretary shall promul-  
 13 gate regulations to carry out this section.

14 (2) CONSISTENCY.—When practicable, the Sec-  
 15 retary shall make regulations promulgated under  
 16 this section consistent with similar regulations pro-  
 17 mulgated by the Secretary of Defense.

18 **SEC. 105. APPLICABILITY OF POLICIES TO CREWS OF VES-**  
 19 **SELS SECURED BY NATIONAL OCEANIC AND**  
 20 **ATMOSPHERIC ADMINISTRATION UNDER**  
 21 **CONTRACT.**

22 The Under Secretary for Oceans and Atmosphere  
 23 shall ensure that each contract into which the Under Sec-  
 24 retary enters for the use of a vessel by the National Oee-  
 25 anic and Atmospheric Administration that covers the crew

1 of the vessel, if any, shall include as a condition of the  
 2 contract a provision that subjects such crew to the policy  
 3 developed under section 101(a) and the comprehensive  
 4 policy developed under section 102(a).

5 **SEC. 106. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**  
 6 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
 7 **MINISTRATION.**

8 (a) IN GENERAL.—Not later than January 15 of  
 9 each year, the Secretary of Commerce shall submit to the  
 10 Committee on Commerce, Science, and Transportation of  
 11 the Senate and the Committee on Natural Resources of  
 12 the House of Representatives a report on the sexual as-  
 13 saults involving employees of the National Oceanic and At-  
 14 mospheric Administration, members of the commissioned  
 15 officer corps of the Administration, and individuals who  
 16 work with or conduct business on behalf of the Adminis-  
 17 tration.

18 (b) CONTENTS.—Each report submitted under sub-  
 19 section (a) shall include, with respect to the previous cal-  
 20 endar year, the following:

21 (1) The number of sexual assaults involving em-  
 22 ployees, members, and individuals described in sub-  
 23 section (a).

24 (2) A synopsis of each case and the disciplinary  
 25 action taken, if any, in each case.

1           (3) The policies, procedures, and processes im-  
2           plemented by the Secretary.

3 **SEC. 107. DEFINITION.**

4           In this title, the term “sexual assault” shall have the  
5 meaning given such term in section 920(b) of title 10,  
6 United States Code.

7 **TITLE II—COMMISSIONED OFFI-  
8           CER CORPS OF THE NA-  
9           TIONAL OCEANIC AND AT-  
10          MOSPHERIC           ADMINISTRA-  
11          TION**

12 **SEC. 201. REFERENCES TO NATIONAL OCEANIC AND AT-  
13                   MOSPHERIC           ADMINISTRATION    COMMIS-  
14                   SIONED OFFICER CORPS ACT OF 2002.**

15           Except as otherwise expressly provided, whenever in  
16 this title an amendment or repeal is expressed in terms  
17 of an amendment to, or repeal of, a section or other provi-  
18 sion, the reference shall be considered to be made to a  
19 section or other provision of the National Oceanic and At-  
20 mospheric Administration Commissioned Officer Corps  
21 Act of 2002 (33 U.S.C. 3001 et seq.).

22 **Subtitle A—General Provisions**

23 **SEC. 211. STRENGTH AND DISTRIBUTION IN GRADE.**

24           Section 214 (33 U.S.C. 3004) is amended to read as  
25 follows:

1 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

2 “(a) GRADES.—The commissioned grades in the com-  
3 missioned officer corps of the Administration are the fol-  
4 lowing, in relative rank with officers of the Navy:

5 “(1) Vice admiral.

6 “(2) Rear admiral.

7 “(3) Rear admiral (lower half).

8 “(4) Captain.

9 “(5) Commander.

10 “(6) Lieutenant commander.

11 “(7) Lieutenant.

12 “(8) Lieutenant (junior grade).

13 “(9) Ensign.

14 “(b) PROPORTION.—

15 “(1) IN GENERAL.—The officers on the lineal  
16 list shall be distributed in grade in the following per-  
17 centages:

18 “(A) 8 in the grade of captain.

19 “(B) 14 in the grade of commander.

20 “(C) 19 in the grade of lieutenant com-  
21 mander.

22 “(2) GRADES BELOW LIEUTENANT COM-  
23 MANDER.—The Secretary shall prescribe, with re-  
24 spect to the distribution on the lineal list in grade,  
25 the percentages applicable to the grades of lieuten-  
26 ant, lieutenant (junior grade), and ensign.

1       “(e) ANNUAL COMPUTATION OF NUMBER IN  
2 GRADE.—

3           “(1) IN GENERAL.—Not less frequently than  
4 once each year, the Secretary shall make a computa-  
5 tion to determine the number of officers on the lin-  
6 eal list authorized to be serving in each grade.

7           “(2) METHOD OF COMPUTATION.—The number  
8 in each grade shall be computed by applying the ap-  
9 plicable percentage to the total number of such offi-  
10 cers serving on active duty on the date the computa-  
11 tion is made.

12           “(3) FRACTIONS.—If a final fraction occurs in  
13 computing the authorized number of officers in a  
14 grade, the nearest whole number shall be taken. If  
15 the fraction is  $\frac{1}{2}$ , the next higher whole number  
16 shall be taken.

17           “(d) TEMPORARY INCREASE IN NUMBERS.—The  
18 total number of officers authorized by law to be on the  
19 lineal list during a fiscal year may be temporarily exceeded  
20 if the average number on that list during that fiscal year  
21 does not exceed the authorized number.

22           “(e) POSITIONS OF IMPORTANCE AND RESPONSI-  
23 BILITY.—Officers serving in positions designated under  
24 section 228(a) and officers recalled from retired status  
25 shall not be counted when computing authorized strengths

1 under subsection (e) and shall not count against those  
2 strengths.

3 “(f) PRESERVATION OF GRADE AND PAY.—No offi-  
4 cer may be reduced in grade or pay or separated from  
5 the commissioned officer corps of the Administration as  
6 the result of a computation made to determine the author-  
7 ized number of officers in the various grades.”.

8 **SEC. 212. RECALLED OFFICERS.**

9 Section 215 (33 U.S.C. 3005) is amended—

10 (1) in the matter before paragraph (1), by  
11 striking “Effective” and inserting the following:

12 “(a) IN GENERAL.—Effective”; and

13 (2) by adding at the end the following new sub-  
14 section:

15 “(b) POSITIONS OF IMPORTANCE AND RESPONSI-  
16 BILITY.—Officers serving in positions designated under  
17 section 228 and officers recalled from retired status—

18 “(1) may not be counted in determining the  
19 total number of authorized officers on the lineal list  
20 under this section; and

21 “(2) may not count against such number.”.

22 **SEC. 213. OBLIGATED SERVICE REQUIREMENT.**

23 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et  
24 seq.) is amended by adding at the end the following:

1 **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

2 “(a) IN GENERAL.—

3 “(1) RULEMAKING.—The Secretary shall pre-  
4 scribe the obligated service requirements for appoint-  
5 ments, training, promotions, separations, continu-  
6 ations, and retirement of officers not otherwise cov-  
7 ered by law.

8 “(2) WRITTEN AGREEMENTS.—The Secretary  
9 and officers shall enter into written agreements that  
10 describe the officers’ obligated service requirements  
11 prescribed under paragraph (1) in return for such  
12 appointments, training, promotions, separations, and  
13 retirements as the Secretary considers appropriate.

14 “(b) REPAYMENT FOR FAILURE TO SATISFY RE-  
15 QUIREMENTS.—

16 “(1) IN GENERAL.—The Secretary may require  
17 an officer who fails to meet the service requirements  
18 prescribed under subsection (a)(1) to reimburse the  
19 Secretary in an amount that bears the same ratio to  
20 the total costs of the training provided to that offi-  
21 cer by the Secretary as the unserved portion of ac-  
22 tive duty bears to the total period of active duty the  
23 officer agreed to serve.

24 “(2) OBLIGATION AS DEBT TO UNITED  
25 STATES.—An obligation to reimburse the Secretary

1 under paragraph (1) shall be considered for all pur-  
 2 poses as a debt owed to the United States.

3 “(3) DISCHARGE IN BANKRUPTCY.—A dis-  
 4 charge in bankruptcy under title 11 that is entered  
 5 less than 5 years after the termination of a written  
 6 agreement entered into under subsection (a)(2) does  
 7 not discharge the individual signing the agreement  
 8 from a debt arising under such agreement.

9 “(e) WAIVER OR SUSPENSION OF COMPLIANCE.—  
 10 The Secretary may waive the service obligation of an offi-  
 11 cer who—

12 “(1) becomes unqualified to serve on active  
 13 duty in the commissioned officer corps of the Ad-  
 14 ministration because of a circumstance not within  
 15 the control of that officer; or

16 “(2) is—

17 “(A) not physically qualified for appoint-  
 18 ment; and

19 “(B) determined to be unqualified for serv-  
 20 ice in the commissioned officer corps of the Ad-  
 21 ministration because of a physical or medical  
 22 condition that was not the result of the officer’s  
 23 own misconduct or grossly negligent conduct.”.

24 (b) CLERICAL AMENDMENT.—The table of sections  
 25 in section 1 of the Act entitled “An Act to authorize the

1 Hydrographic Service Improvement Act of 1998, and for  
 2 other purposes<sup>22</sup> (Public Law 107-372) is amended by in-  
 3 serting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

4 **SEC. 214. TRAINING AND PHYSICAL FITNESS.**

5 (a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et  
 6 seq.), as amended by section 213(a), is further amended  
 7 by adding at the end the following:

8 **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

9 “(a) TRAINING.—The Secretary may take such meas-  
 10 ures as may be necessary to ensure that officers are pre-  
 11 pared to carry out their duties in the commissioned officer  
 12 corps of the Administration and proficient in the skills  
 13 necessary to carry out such duties. Such measures may  
 14 include the following:

15 “(1) Carrying out training programs and cor-  
 16 respondence courses, including establishing and op-  
 17 erating a basic officer training program to provide  
 18 initial indoctrination and maritime vocational train-  
 19 ing for officer candidates as well as refresher train-  
 20 ing, mid-career training, aviation training, and such  
 21 other training as the Secretary considers necessary  
 22 for officer development and proficiency.

23 “(2) Providing officers and officer candidates  
 24 with books and school supplies.

1           “(3) Acquiring such equipment as may be nec-  
2           essary for training and instructional purposes:

3           “(b) **PHYSICAL FITNESS.**—The Secretary shall en-  
4           sure that officers maintain a high physical state of readi-  
5           ness by establishing standards of physical fitness for offi-  
6           cers that are substantially equivalent to those prescribed  
7           for officers in the Coast Guard.”.

8           (b) **CLERICAL AMENDMENT.**—The table of sections  
9           in section 1 of the Act entitled “An Act to authorize the  
10          Hydrographic Service Improvement Act of 1998, and for  
11          other purposes” (Public Law 107–372), as amended by  
12          section 213(b), is further amended by inserting after the  
13          item relating to section 216 the following:

          “Sec. 217. Training and physical fitness.”.

14       **SEC. 215. RECRUITING MATERIALS.**

15           (a) **IN GENERAL.**—Subtitle A (33 U.S.C. 3001 et  
16          seq.); as amended by section 214(a), is further amended  
17          by adding at the end the following:

18       **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC**  
19   **RELATIONS.**

20           “‘The Secretary may use for public relations purposes  
21          of the Department of Commerce any advertising materials  
22          developed for use for recruitment and retention of per-  
23          sonnel for the commissioned officer corps of the Adminis-  
24          tration. Any such use shall be under such conditions and

1 subject to such restrictions as the Secretary shall pre-  
2 scribe.”.

3 (b) **CLERICAL AMENDMENT.**—The table of sections  
4 in section 1 of the Act entitled “An Act to authorize the  
5 Hydrographic Service Improvement Act of 1998, and for  
6 other purposes” (Public Law 107–372), as amended by  
7 section 214(b), is further amended by inserting after the  
8 item relating to section 217 the following:

“Sec. 218. Use of recruiting materials for public relations.”.

9 **SEC. 216. CHARTER VESSEL SAFETY POLICY.**

10 (a) **POLICY REQUIRED.**—Not later than 1 year after  
11 the date of the enactment of this Act, the Secretary of  
12 Commerce shall, acting through the Under Secretary for  
13 Oceans and Atmosphere, develop and implement a charter  
14 vessel safety policy applicable to the acquisition by the Na-  
15 tional Oceanic and Atmospheric Administration of charter  
16 vessel services.

17 (b) **ELEMENTS.**—The policy required by subsection  
18 (a) shall address vessel safety, operational safety, and  
19 basic personnel safety requirements applicable to the ves-  
20 sel size, type, and intended use. At a minimum, the policy  
21 shall include the following:

22 (1) Basic vessel safety requirements that ad-  
23 dress stability, egress, fire protection and lifesaving  
24 equipment, hazardous materials, and pollution con-  
25 trol.

1           (2) Personnel safety requirements that address  
2 crew qualifications, medical training and services,  
3 safety briefings and drills, and crew habitability.

4           (e) LIMITATION.—The Secretary shall ensure that  
5 the basic vessel safety requirements and personnel safety  
6 requirements included in the policy required by subsection  
7 (a)—

8           (1) do not exceed the vessel safety requirements  
9 and personnel safety requirements promulgated by  
10 the Secretary of the department in which the Coast  
11 Guard is operating; and

12           (2) to the degree practicable, are consistent  
13 with the requirements described in paragraph (1).

14 **SEC. 217. TECHNICAL CORRECTION.**

15           Section 101(21)(C) of title 38, United States Code,  
16 is amended by inserting “in the commissioned officer  
17 corps” before “of the National”.

18                           **Subtitle B—Parity and**  
19                           **Recruitment**

20 **SEC. 221. EDUCATION LOANS.**

21           (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
22 seq.) is amended by adding at the end the following:

23 **“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

24           “(a) AUTHORITY TO REPAY EDUCATION LOANS.—

25 For the purpose of maintaining adequate numbers of offi-

1 eers of the commissioned officer corps of the Administra-  
 2 tion on active duty who have skills required by the com-  
 3 missioned officer corps; the Secretary may repay, in the  
 4 case of a person described in subsection (b), a loan that—

5       “(1) was used by the person to finance edu-  
 6 cation; and

7       “(2) was obtained from a governmental entity,  
 8 private financial institution, educational institution,  
 9 or other authorized entity.

10       “(b) ELIGIBLE PERSONS.—To be eligible to obtain  
 11 a loan repayment under this section, a person must—

12       “(1) satisfy one of the requirements specified in  
 13 subsection (c);

14       “(2) be fully qualified for, or hold, an appoint-  
 15 ment as a commissioned officer in the commissioned  
 16 officer corps of the Administration; and

17       “(3) sign a written agreement to serve on active  
 18 duty, or, if on active duty, to remain on active duty  
 19 for a period in addition to any other incurred active  
 20 duty obligation.

21       “(c) ACADEMIC AND PROFESSIONAL REQUIRE-  
 22 MENTS.—One of the following academic requirements  
 23 must be satisfied for purposes of determining the eligi-  
 24 bility of an individual for a loan repayment under this sec-  
 25 tion:

1           “(1) The person is fully qualified in a profes-  
2           sion that the Secretary has determined to be nec-  
3           essary to meet identified skill shortages in the com-  
4           missioned officer corps.

5           “(2) The person is enrolled as a full-time stu-  
6           dent in the final year of a course of study at an ac-  
7           credited educational institution (as determined by  
8           the Secretary of Education) leading to a degree in  
9           a profession that will meet identified skill shortages  
10          in the commissioned officer corps.

11          “(d) LOAN REPAYMENTS.—

12           “(1) IN GENERAL.—Subject to the limits estab-  
13          lished under paragraph (2), a loan repayment under  
14          this section may consist of the payment of the prin-  
15          cipal, interest, and related expenses of a loan ob-  
16          tained by a person described in subsection (b).

17           “(2) LIMITATION ON AMOUNT.—For each year  
18          of obligated service that a person agrees to serve in  
19          an agreement described in subsection (b)(3), the  
20          Secretary may pay not more than the amount speci-  
21          fied in section 2173(e)(2) of title 10, United States  
22          Code.

23          “(e) ACTIVE DUTY SERVICE OBLIGATION.—

1           “(1) IN GENERAL.—A person entering into an  
2 agreement described in subsection (b)(3) incurs an  
3 active duty service obligation.

4           “(2) LENGTH OF OBLIGATION DETERMINED  
5 UNDER REGULATIONS.—

6           “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), the length of the obligation  
8 under paragraph (1) shall be determined under  
9 regulations prescribed by the Secretary.

10           “(B) MINIMUM OBLIGATION.—The regula-  
11 tions prescribed under subparagraph (A) may  
12 not provide for a period of obligation of less  
13 than 1 year for each maximum annual amount,  
14 or portion thereof, paid on behalf of the person  
15 for qualified loans.

16           “(3) PERSONS ON ACTIVE DUTY BEFORE EN-  
17 TERING INTO AGREEMENT.—The active duty service  
18 obligation of persons on active duty before entering  
19 into the agreement shall be served after the conclu-  
20 sion of any other obligation incurred under the  
21 agreement.

22           “(f) EFFECT OF FAILURE TO COMPLETE OBLIGA-  
23 TION.—

24           “(1) ALTERNATIVE OBLIGATIONS.—An officer  
25 who is relieved of the officer’s active duty obligation

1 under this section before the completion of that obli-  
 2 gation may be given any alternative obligation, at  
 3 the discretion of the Secretary.

4 “(2) REPAYMENT.—An officer who does not  
 5 complete the period of active duty specified in the  
 6 agreement entered into under subsection (b)(3), or  
 7 the alternative obligation imposed under paragraph  
 8 (1), shall be subject to the repayment provisions  
 9 under section 216.

10 “(g) RULEMAKING.—The Secretary shall prescribe  
 11 regulations to carry out this section, including—

12 “(1) standards for qualified loans and author-  
 13 ized payees; and

14 “(2) other terms and conditions for the making  
 15 of loan repayments.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 in section 1 of the Act entitled “An Act to authorize the  
 18 Hydrographic Service Improvement Act of 1998, and for  
 19 other purposes” (Public Law 107–372) is amended by in-  
 20 serting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

21 **SEC. 222. INTEREST PAYMENTS.**

22 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
 23 seq.), as amended by section 221(a), is further amended  
 24 by adding at the end the following:

1 **“SEC. 268. INTEREST PAYMENT PROGRAM.**

2       “(a) **AUTHORITY.**—The Secretary may pay the inter-  
3 est and any special allowances that accrue on 1 or more  
4 student loans of an eligible officer, in accordance with this  
5 section.

6       “(b) **ELIGIBLE OFFICERS.**—An officer is eligible for  
7 the benefit described in subsection (a) while the officer—

8               “(1) is serving on active duty;

9               “(2) has not completed more than 3 years of  
10 service on active duty;

11              “(3) is the debtor on 1 or more unpaid loans  
12 described in subsection (c); and

13              “(4) is not in default on any such loan.

14       “(c) **STUDENT LOANS.**—The authority to make pay-  
15 ments under subsection (a) may be exercised with respect  
16 to the following loans:

17              “(1) A loan made, insured, or guaranteed under  
18 part B of title IV of the Higher Education Act of  
19 1965 (20 U.S.C. 1071 et seq.).

20              “(2) A loan made under part D of such title  
21 (20 U.S.C. 1087a et seq.).

22              “(3) A loan made under part E of such title  
23 (20 U.S.C. 1087aa et seq.).

24       “(d) **MAXIMUM BENEFIT.**—Interest and any special  
25 allowance may be paid on behalf of an officer under this

1 section for any of the 36 consecutive months during which  
2 the officer is eligible under subsection (b).

3 “(e) FUNDS FOR PAYMENTS.—The Secretary may  
4 use amounts appropriated for the pay and allowances of  
5 personnel of the commissioned officer corps of the Admin-  
6 istration for payments under this section.

7 “(f) COORDINATION WITH SECRETARY OF EDU-  
8 CATION.—

9 “(1) IN GENERAL.—The Secretary shall consult  
10 with the Secretary of Education regarding the ad-  
11 ministration of this section.

12 “(2) TRANSFER OF FUNDS.—The Secretary  
13 shall transfer to the Secretary of Education the  
14 funds necessary—

15 “(A) to pay interest and special allowances  
16 on student loans under this section (in accord-  
17 ance with sections 428(o), 455(l), and 464(j) of  
18 the Higher Education Act of 1965 (20 U.S.C.  
19 1078(o), 1087e(l), and 1087dd(j))); and

20 “(B) to reimburse the Secretary of Edu-  
21 cation for any reasonable administrative costs  
22 incurred by the Secretary in coordinating the  
23 program under this section with the administra-  
24 tion of the student loan programs under parts  
25 B, D, and E of title IV of the Higher Edu-

1           eation Act of 1965 (20 U.S.C. 1071 et seq.,  
2           1087a et seq., and 1087aa et seq.).

3           “(g) SPECIAL ALLOWANCE DEFINED.—In this sec-  
4 tion, the term ‘special allowance’ means a special allow-  
5 ance that is payable under section 438 of the Higher Edu-  
6 cation Act of 1965 (20 U.S.C. 1087–1).”.

7           (b) CONFORMING AMENDMENTS.—

8           (1) Section 428(o) of the Higher Education Act  
9           of 1965 (20 U.S.C. 1078(o)) is amended—

10           (A) by striking the subsection heading and  
11           inserting “ARMED FORCES AND NOAA COM-  
12           MISSIONED OFFICER CORPS STUDENT LOAN  
13           INTEREST PAYMENT PROGRAMS”; and

14           (B) in paragraph (1)—

15           (i) by inserting “or section 264 of the  
16           National Oceanic and Atmospheric Admin-  
17           istration Commissioned Officer Corps Act  
18           of 2002” after “Code,”; and

19           (ii) by inserting “or an officer in the  
20           commissioned officer corps of the National  
21           Oceanic and Atmospheric Administration,  
22           respectively,” after “Armed Forces”.

23           (2) Sections 455(l) and 464(j) of the Higher  
24           Education Act of 1965 (20 U.S.C. 1087e(l) and  
25           1087dd(j)) are each amended—

1 (A) by striking the subsection heading and  
 2 inserting “ARMED FORCES AND NOAA COM-  
 3 MISSIONED OFFICER CORPS STUDENT LOAN  
 4 INTEREST PAYMENT PROGRAMS”; and

5 (B) in paragraph (1)—

6 (i) by inserting “or section 264 of the  
 7 National Oceanic and Atmospheric Admin-  
 8 istration Commissioned Officer Corps Act  
 9 of 2002” after “Code,”; and

10 (ii) by inserting “or an officer in the  
 11 commissioned officer corps of the National  
 12 Oceanic and Atmospheric Administration,  
 13 respectively” after “Armed Forces”.

14 (c) CLERICAL AMENDMENT.—The table of sections  
 15 in section 1 of the Act entitled “An Act to authorize the  
 16 Hydrographic Service Improvement Act of 1998, and for  
 17 other purposes” (Public Law 107–372), as amended by  
 18 section 221(b), is further amended by inserting after the  
 19 item relating to section 267 the following:

“Sec. 268. Interest payment program.”.

20 **SEC. 223. STUDENT PRE-COMMISSIONING PROGRAM.**

21 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
 22 seq.), as amended by section 222(a), is further amended  
 23 by adding at the end the following:

1 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 2 **SISTANCE PROGRAM.**

3       “(a) **AUTHORITY TO PROVIDE FINANCIAL ASSIST-**  
 4 **ANCE.**—For the purpose of maintaining adequate numbers  
 5 of officers of the commissioned officer corps of the Admin-  
 6 istration on active duty, the Secretary may provide finan-  
 7 cial assistance to a person described in subsection (b) for  
 8 expenses of the person while the person is pursuing on  
 9 a full-time basis at an accredited educational institution  
 10 (as determined by the Secretary of Education) a program  
 11 of education approved by the Secretary that leads to—

12               “(1) a baccalaureate degree in not more than 5  
 13 academic years; or

14               “(2) a postbaccalaureate degree.

15       “(b) **ELIGIBLE PERSONS.**—

16               “(1) **IN GENERAL.**—A person is eligible to ob-  
 17 tain financial assistance under subsection (a) if the  
 18 person—

19                       “(A) is enrolled on a full-time basis in a  
 20 program of education referred to in subsection  
 21 (a) at any educational institution described in  
 22 such subsection;

23                       “(B) meets all of the requirements for ac-  
 24 ceptance into the commissioned officer corps of  
 25 the Administration except for the completion of  
 26 a baccalaureate degree; and

1           “(C) enters into a written agreement with  
2           the Secretary described in paragraph (2).

3           “(2) AGREEMENT.—A written agreement re-  
4           ferred to in paragraph (1)(C) is an agreement be-  
5           tween the person and the Secretary in which the  
6           person agrees—

7           “(A) to accept an appointment as an offi-  
8           cer, if tendered; and

9           “(B) upon completion of the person’s edu-  
10          cational program; to serve on active duty, im-  
11          mediately after appointment, for—

12           “(i) up to 3 years if the person re-  
13          ceived less than 3 years of assistance; and

14           “(ii) up to 5 years if the person re-  
15          ceived at least 3 years of assistance.

16          “(c) QUALIFYING EXPENSES.—Expenses for which  
17          financial assistance may be provided under subsection (a)  
18          are the following:

19           “(1) Tuition and fees charged by the edu-  
20          cational institution involved.

21           “(2) The cost of books.

22           “(3) In the case of a program of education  
23          leading to a baccalaureate degree, laboratory ex-  
24          penses.

1           “(4) Such other expenses as the Secretary con-  
2           siders appropriate.

3           “(d) LIMITATION ON AMOUNT.—The Secretary shall  
4           prescribe the amount of financial assistance provided to  
5           a person under subsection (a), which may not exceed the  
6           amount specified in section 2173(e)(2) of title 10, United  
7           States Code, for each year of obligated service that a per-  
8           son agrees to serve in an agreement described in sub-  
9           section (b)(2).

10          “(e) DURATION OF ASSISTANCE.—Financial assist-  
11          ance may be provided to a person under subsection (a)  
12          for not more than 5 consecutive academic years.

13          “(f) SUBSISTENCE ALLOWANCE.—

14                 “(1) IN GENERAL.—A person who receives fi-  
15                 nancial assistance under subsection (a) shall be enti-  
16                 tled to a monthly subsistence allowance at a rate  
17                 prescribed under paragraph (2) for the duration of  
18                 the period for which the person receives such finan-  
19                 cial assistance.

20                 “(2) DETERMINATION OF AMOUNT.—The See-  
21                 retary shall prescribe monthly rates for subsistence  
22                 allowance provided under paragraph (1), which shall  
23                 be equal to the amount specified in section 2144(a)  
24                 of title 10, United States Code.

25          “(g) INITIAL CLOTHING ALLOWANCE.—

1           “(1) TRAINING.—The Secretary may prescribe  
2 a sum which shall be credited to each person who re-  
3 ceives financial assistance under subsection (a) to  
4 cover the cost of the person’s initial clothing and  
5 equipment issue.

6           “(2) APPOINTMENT.—Upon completion of the  
7 program of education for which a person receives fi-  
8 nancial assistance under subsection (a) and accept-  
9 ance of appointment in the commissioned officer  
10 corps of the Administration, the person may be  
11 issued a subsequent clothing allowance equivalent to  
12 that normally provided to a newly appointed officer.

13           “(h) TERMINATION OF FINANCIAL ASSISTANCE.—

14           “(1) IN GENERAL.—The Secretary shall termi-  
15 nate the assistance provided to a person under this  
16 section if—

17                   “(A) the Secretary accepts a request by  
18 the person to be released from an agreement  
19 described in subsection (b)(2);

20                   “(B) the misconduct of the person results  
21 in a failure to complete the period of active  
22 duty required under the agreement; or

23                   “(C) the person fails to fulfill any term or  
24 condition of the agreement.

1           “(2) REIMBURSEMENT.—The Secretary may re-  
2       quire a person who receives assistance described in  
3       subsection (e), (f), or (g) under an agreement en-  
4       tered into under subsection (b)(1)(C) to reimburse  
5       the Secretary in an amount that bears the same  
6       ratio to the total costs of the assistance provided to  
7       that person as the unserved portion of active duty  
8       bears to the total period of active duty the officer  
9       agreed to serve under the agreement.

10           “(3) WAIVER.—The Secretary may waive the  
11       service obligation of a person through an agreement  
12       entered into under subsection (b)(1)(C) if the per-  
13       son—

14           “(A) becomes unqualified to serve on active  
15       duty in the commissioned officer corps of the  
16       Administration because of a circumstance not  
17       within the control of that person; or

18           “(B) is—

19           “(i) not physically qualified for ap-  
20       pointment; and

21           “(ii) determined to be unqualified for  
22       service in the commissioned officer corps of  
23       the Administration because of a physical or  
24       medical condition that was not the result

1 of the person's own misconduct or grossly  
2 negligent conduct.

3 “(4) OBLIGATION AS DEBT TO UNITED  
4 STATES.—An obligation to reimburse the Secretary  
5 imposed under paragraph (2) is, for all purposes, a  
6 debt owed to the United States.

7 “(5) DISCHARGE IN BANKRUPTCY.—A dis-  
8 charge in bankruptcy under title 11, United States  
9 Code, that is entered less than 5 years after the ter-  
10 mination of a written agreement entered into under  
11 subsection (b)(1)(C) does not discharge the person  
12 signing the agreement from a debt arising under  
13 such agreement or under paragraph (2).

14 “(i) REGULATIONS.—The Secretary may promulgate  
15 such regulations and orders as the Secretary considers ap-  
16 propriate to carry out this section.”

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 in section 1 of the Act entitled “An Act to authorize the  
19 Hydrographic Service Improvement Act of 1998, and for  
20 other purposes” (Public Law 107–372), as amended by  
21 section 222(c), is further amended by inserting after the  
22 item relating to section 268 the following:

“Sec. 269. Student pre-commissioning education assistance program.”

23 **SEC. 224. LIMITATION ON EDUCATIONAL ASSISTANCE.**

24 (a) IN GENERAL.—Each fiscal year, beginning with  
25 fiscal year 2013, the Secretary of Commerce shall ensure

1 that the total amount expended by the Secretary under  
 2 section 267 of the National Oceanic and Atmospheric Ad-  
 3 ministration Commissioned Officer Corps Act of 2002 (as  
 4 added by section 221(a)), section 268 of such Act (as  
 5 added by section 222(a)), and section 269 of such Act (as  
 6 added by section 223(a)) does not exceed the amount by  
 7 which—

8           (1) the total amount the Secretary would pay in  
 9 that fiscal year to officer candidates under section  
 10 203(f)(1) of title 37, United States Code (as added  
 11 by section 246(d)), if such section entitled officers  
 12 candidates to pay at monthly rates equal to the  
 13 basic pay of a commissioned officer in the pay grade  
 14 O-1 with less than 2 years of service; exceeds

15           (2) the total amount the Secretary actually  
 16 pays in that fiscal year to officer candidates under  
 17 section 203(f)(1) of such title (as so added).

18       (b) OFFICER CANDIDATE DEFINED.—In this section,  
 19 the term “officer candidate” has the meaning given the  
 20 term in section 212 of the National Oceanic and Atmos-  
 21 pheric Administration Commissioned Officer Corps Act of  
 22 2002 (33 U.S.C. 3002), as added by section 246(e).

1 **SEC. 225. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
 3 **SION OF CERTAIN AUTHORITIES APPLICABLE**  
 4 **TO MEMBERS OF THE ARMED FORCES TO**  
 5 **COMMISSIONED OFFICER CORPS.**

6 (a) APPLICABILITY OF CERTAIN PROVISIONS OF  
 7 TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amend-  
 8 ed—

9 (1) by redesignating paragraphs (13) through  
 10 (16) as paragraphs (20) through (23), respectively;

11 (2) by redesignating paragraphs (7) through  
 12 (12) as paragraphs (12) through (17), respectively;

13 (3) by redesignating paragraphs (4) through  
 14 (6) as paragraphs (8) through (10), respectively;

15 (4) by inserting after paragraph (3) the fol-  
 16 lowing:

17 “(4) Section 771, relating to unauthorized  
 18 wearing of uniforms:

19 “(5) Section 774, relating to wearing religious  
 20 apparel while in uniform:

21 “(6) Section 982, relating to service on State  
 22 and local juries:

23 “(7) Section 1031, relating to administration of  
 24 oaths.”;

25 (5) by inserting after paragraph (10), as redес-  
 26 igned, the following:

1           “(11) Chapter 58, relating to the Benefits and  
2 Services for members being separated or recently  
3 separated.”; and

4           (6) by inserting after paragraph (17), as reded-  
5 icated, the following:

6           “(18) Subchapter I of chapter 88, relating to  
7 Military Family Programs.

8           “(19) Section 2005, relating to advanced edu-  
9 cation assistance, active duty agreements, and reim-  
10 bursement requirements.”.

11 (b) EXTENSION OF CERTAIN AUTHORITIES.—

12           (1) NOTARIAL SERVICES.—Section 1044a of  
13 title 10, United States Code, is amended—

14           (A) in subsection (a)(1), by striking  
15 “armed forces” and inserting “uniformed serv-  
16 ices”; and

17           (B) in subsection (b)(4), by striking  
18 “armed forces” both places it appears and in-  
19 serting “uniformed services”.

20           (2) ACCEPTANCE OF VOLUNTARY SERVICES FOR  
21 PROGRAMS SERVING MEMBERS AND THEIR FAMI-  
22 LIES.—Section 1588 of such title is amended—

23           (A) in subsection (a)(3), by striking  
24 “armed forces” and inserting “uniformed serv-  
25 ices”; and

1                   (B) by adding at the end the following new  
2                   subsection:

3                   “(g) SECRETARY CONCERNED FOR ACCEPTANCE OF  
4 SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA  
5 AND THEIR FAMILIES.—For purposes of the acceptance  
6 of services described in subsection (a)(3), the term ‘Sec-  
7 retary concerned’ in subsection (a) shall include the Sec-  
8 retary of Commerce with respect to members of the Na-  
9 tional Oceanic and Atmospheric Administration.”.

10                  (3) CAPSTONE COURSE FOR NEWLY SELECTED  
11 FLAG OFFICERS.—Section 2153 of such title is  
12 amended—

13                   (A) in subsection (a)—

14                   (i) by inserting “or the commissioned  
15 corps of the National Oceanic and Atmos-  
16 pheric Administration” after “in the case  
17 of the Navy”; and

18                   (ii) by striking “other armed forces”  
19 and inserting “other uniformed services”;  
20 and

21                   (B) in subsection (b)(1), by inserting “or  
22 the Secretary of Commerce, as applicable,”  
23 after “the Secretary of Defense”.

1 **SEC. 226. APPLICABILITY OF CERTAIN PROVISIONS OF**  
2 **TITLE 37, UNITED STATES CODE.**

3 (a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et  
4 seq.) is amended by inserting after section 261 the fol-  
5 lowing:

6 **“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF**  
7 **TITLE 37, UNITED STATES CODE.**

8 “(a) PROVISIONS MADE APPLICABLE TO COMMISS-  
9 SIONED OFFICER CORPS.—The provisions of law applica-  
10 ble to the Armed Forces under the following provisions  
11 of title 37, United States Code, shall apply to the commis-  
12 sioned officer corps of the Administration:

13 “(1) Section 324, relating to accession bonuses  
14 for new officers in critical skills.

15 “(2) Section 403(f)(3), relating to prescribing  
16 regulations defining the terms ‘field duty’ and ‘sea  
17 duty’.

18 “(3) Section 403(1), relating to temporary con-  
19 tinuation of housing allowance for dependents of  
20 members dying on active duty.

21 “(4) Section 414(a)(2), relating to personal  
22 money allowance while serving as Director of the  
23 National Oceanic and Atmospheric Administration  
24 Commissioned Officer Corps.

25 “(5) Section 488, relating to allowances for re-  
26 cruiting expenses.

1           “(6) Section 495, relating to allowances for fu-  
2           neral honors duty.

3           “(b) REFERENCES.—The authority vested by title 37,  
4 United States Code, in the ‘military departments’, ‘the  
5 Secretary concerned’, or ‘the Secretary of Defense’ with  
6 respect to the provisions of law referred to in subsection  
7 (a) shall be exercised, with respect to the commissioned  
8 officer corps of the Administration, by the Secretary of  
9 Commerce or the Secretary’s designee.”.

10          (b) CLERICAL AMENDMENT.—The table of sections  
11 in section 1 of the Act entitled “An Act to authorize the  
12 Hydrographic Service Improvement Act of 1998, and for  
13 other purposes” (Public Law 107–372) is amended by in-  
14 serting after the item relating to section 261 the following:

“Sec. 261A. Applicability of certain provisions of title 37, United States  
Code.”.

15 **SEC. 227. LEGION OF MERIT AWARD.**

16          Section 1121 of title 10, United States Code, is  
17 amended by striking “armed forces” and inserting “uni-  
18 formed services”.

19 **SEC. 228. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
20 **TIONS.**

21          (a) IN GENERAL.—Subsection (a) of section 261 (33  
22 U.S.C. 3071), as amended by section 225, is further  
23 amended—





1 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**  
2 **SIONED OFFICER CORPS AS EMPLOYMENT IN**  
3 **ADMINISTRATION FOR PURPOSES OF CER-**  
4 **TAIN HIRING DECISIONS.**

5       “(a) **IN GENERAL.**—In any case in which the Sec-  
6 retary accepts an application for a position of employment  
7 with the Administration and limits consideration of appli-  
8 cations for such position to applications submitted by indi-  
9 viduals serving in a career or career-conditional position  
10 in the competitive service within the Administration, the  
11 Secretary shall deem an officer who has served as an offi-  
12 cer in the commissioned officer corps for at least 3 years  
13 to be serving in a career or career-conditional position in  
14 the competitive service within the Administration for pur-  
15 poses of such limitation.

16       “(b) **CAREER APPOINTMENTS.**—If the Secretary se-  
17 lects an application submitted by an officer described in  
18 subsection (a) for a position described in such subsection,  
19 the Secretary shall give such officer a career or career-  
20 conditional appointment in the competitive service, as ap-  
21 propriate.

22       “(c) **COMPETITIVE SERVICE DEFINED.**—In this sec-  
23 tion, the term ‘competitive service’ has the meaning given  
24 the term in section 2102 of title 5, United States Code.”.

25       “(b) **CLERICAL AMENDMENT.**—The table of sections  
26 in section 1 of the Act entitled “An Act to authorize the

1 Hydrographic Service Improvement Act of 1998, and for  
 2 other purposes<sup>22</sup> (Public Law 107-372) is amended by in-  
 3 serting after the item relating to section 269, as added  
 4 by this title, the following new item:

“Sec. 269A. Treatment of commission in commissioned officer corps as employ-  
 ment in Administration for purposes of certain hiring deci-  
 sions.”.

5 **SEC. 233. DIRECT HIRE AUTHORITY.**

6 (a) **IN GENERAL.**—The head of a Federal agency  
 7 may appoint, without regard to the provisions of sub-  
 8 chapter I of chapter 33 of title 5, United States Code,  
 9 other than sections 3303 and 3328 of such title, a quali-  
 10 fied candidate described subsection (b) directly to a posi-  
 11 tion in the agency for which the candidate meets qualifica-  
 12 tion standards of the Office of Personnel Management.

13 (b) **CANDIDATES DESCRIBED.**—A candidate de-  
 14 scribed in this subsection is a current or former member  
 15 of the commissioned officer corps of the National Oceanic  
 16 and Atmospheric Administration who—

17 (1) fulfilled his or her obligated service require-  
 18 ment under section 216 of the National Oceanic and  
 19 Atmospheric Administration Commissioned Officer  
 20 Corps Act of 2002, as added by section 213;

21 (2) if no longer a member of the commissioned  
 22 officer corps of the Administration, was discharged  
 23 or released therefrom under conditions other than  
 24 dishonorable; and

1           ~~(3)~~ has been separated or released from service  
 2           in the commissioned officer corps of the Administra-  
 3           tion for a period of not more than 5 years.

4           ~~(c) EFFECTIVE DATE.~~—This section shall apply with  
 5           respect to appointments made in fiscal year 2016 and in  
 6           each fiscal year thereafter.

## 7           **Subtitle C—Appointments and** 8           **Promotion of Officers**

### 9           **SEC. 241. APPOINTMENTS.**

10          ~~(a) ORIGINAL APPOINTMENTS.—~~

11                 ~~(1) IN GENERAL.~~—Section 221 (~~33~~ U.S.C.  
 12                 3021) is amended to read as follows:

13          **“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-**  
 14                 **MENTS.**

15                 ~~“(a) ORIGINAL APPOINTMENTS.—~~

16                         ~~“(1) GRADES.—~~

17                                 ~~“(A) IN GENERAL.—~~Except as provided in  
 18                                 subparagraph (B), an original appointment of  
 19                                 an officer may be made in such grades as may  
 20                                 be appropriate for—

21   ~~“(i) the qualification, experience, and~~  
 22   length of service of the appointee; and

23   ~~“(ii) the commissioned officer corps of~~  
 24   the Administration.

1           “(B) APPOINTMENT OF OFFICER CAN-  
2           DIDATES.—

3           “(i) LIMITATION ON GRADE.—An  
4           original appointment of an officer can-  
5           didate, upon graduation from the basic of-  
6           ficer training program of the commissioned  
7           officer corps of the Administration, may  
8           not be made in any other grade than en-  
9           sign.

10          “(ii) RANK.—Officer candidates re-  
11          ceiving appointments as ensigns upon  
12          graduation from basic officer training pro-  
13          gram shall take rank according to their  
14          proficiency as shown by the order of their  
15          merit at date of graduation.

16          “(2) SOURCE OF APPOINTMENTS.—An original  
17          appointment may be made from among the fol-  
18          lowing:

19               “(A) Graduates of the basic officer train-  
20               ing program of the commissioned officer corps  
21               of the Administration.

22               “(B) Graduates of the military service  
23               academies of the United States who otherwise  
24               meet the academic standards for enrollment in

1 the training program described in subparagraph  
2 (A).

3 “(C) Graduates of the maritime academies  
4 of the States who—

5 “(i) otherwise meet the academic  
6 standards for enrollment in the training  
7 program described in subparagraph (A);

8 “(ii) completed at least 3 years of  
9 regimented training while at a maritime  
10 academy of a State; and

11 “(iii) obtained an unlimited tonnage  
12 or unlimited horsepower Merchant Mariner  
13 Credential from the United States Coast  
14 Guard.

15 “(D) Licensed officers of the United States  
16 merchant marine who have served 2 or more  
17 years aboard a vessel of the United States in  
18 the capacity of a licensed officer, who otherwise  
19 meet the academic standards for enrollment in  
20 the training program described in subparagraph  
21 (A).

22 “(3) DEFINITIONS.—In this subsection:

23 “(A) MARITIME ACADEMIES OF THE  
24 STATES.—The term ‘maritime academies of the  
25 States’ means the following:

1                   “(i) California Maritime Academy,  
2                   Vallejo, California.

3                   “(ii) Great Lakes Maritime Academy,  
4                   Traverse City, Michigan.

5                   “(iii) Maine Maritime Academy,  
6                   Castine, Maine.

7                   “(iv) Massachusetts Maritime Acad-  
8                   emy, Buzzards Bay, Massachusetts.

9                   “(v) State University of New York  
10                  Maritime College, Fort Schuyler, New  
11                  York.

12                  “(vi) Texas A&M Maritime Academy,  
13                  Galveston, Texas.

14                  “(B) MILITARY SERVICE ACADEMIES OF  
15                  THE UNITED STATES.—The term ‘military serv-  
16                  ice academies of the United States’ means the  
17                  following:

18                   “(i) The United States Military Acad-  
19                   emy, West Point, New York.

20                   “(ii) The United States Naval Acad-  
21                   emy, Annapolis, Maryland.

22                   “(iii) The United States Air Force  
23                   Academy, Colorado Springs, Colorado.

24                   “(iv) The United States Coast Guard  
25                   Academy, New London, Connecticut.

1                   “(v) The United States Merchant Ma-  
2                   rine Academy, Kings Point, New York.

3                   “(b) REAPPOINTMENT.—

4                   “(1) IN GENERAL.—Except as provided in para-  
5                   graph (2), an individual who previously served in the  
6                   commissioned officer corps of the Administration  
7                   may be appointed by the Secretary to the grade the  
8                   individual held prior to separation.

9                   “(2) REAPPOINTMENTS TO HIGHER GRADES.—

10                  An appointment under paragraph (1) to a position  
11                  of importance and responsibility designated under  
12                  section 228 may only be made by the President.

13                  “(c) QUALIFICATIONS.—An appointment under sub-  
14                  section (a) or (b) may not be given to an individual until  
15                  the individual’s mental, moral, physical, and professional  
16                  fitness to perform the duties of an officer has been estab-  
17                  lished under such regulations as the Secretary shall pre-  
18                  scribe.

19                  “(d) PRECEDENCE OF APPOINTEES.—Appointees  
20                  under this section shall take precedence in the grade to  
21                  which appointed in accordance with the dates of their com-  
22                  missions as commissioned officers in such grade. Ap-  
23                  pointees whose dates of commission are the same shall  
24                  take precedence with each other as the Secretary shall de-  
25                  termine.

1       “(e) ~~INTER-SERVICE TRANSFERS.~~—For inter-service  
2 transfers (as described in the Department of Defense Di-  
3 rective 1300.4 (dated December 27, 2006)) the Secretary  
4 shall—

5               “(1) coordinate with the Secretary of Defense  
6 and the Secretary of the Department in which the  
7 Coast Guard is operating to promote and streamline  
8 inter-service transfers;

9               “(2) give preference to such inter-service trans-  
10 fers for recruitment purposes as determined appro-  
11 priate by the Secretary; and

12              “(3) reappoint such inter-service transfers to  
13 the equivalent grade in the commissioned officer  
14 corps.”.

15              ~~(2) CLERICAL AMENDMENT.~~—The table of sec-  
16 tions in section 1 of the Act entitled “An Act to au-  
17 thorize the Hydrographic Service Improvement Act  
18 of 1998, and for other purposes” (Public Law 107-  
19 372) is amended by striking the item relating to sec-  
20 tion 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

21 **SEC. 242. PERSONNEL BOARDS.**

22       Section 222 (33 U.S.C. 3022) is amended to read as  
23 follows:

1 **“SEC. 222. PERSONNEL BOARDS.**

2       “(a) **CONVENING.**—Not less frequently than once  
3 each year and at such other times as the Secretary deter-  
4 mines necessary, the Secretary shall convene a personnel  
5 board.

6       “(b) **MEMBERSHIP.**—

7           “(1) **IN GENERAL.**—A board convened under  
8 subsection (a) shall consist of 5 or more officers who  
9 are serving in or above the permanent grade of the  
10 officers under consideration by the board.

11           “(2) **RETIRED OFFICERS.**—Officers on the re-  
12 tired list may be recalled to serve on such personnel  
13 boards as the Secretary considers necessary.

14           “(3) **NO MEMBERSHIP ON 2 SUCCESSIVE**  
15 **BOARDS.**—No officer may be a member of 2 succes-  
16 sive personnel boards convened to consider officers  
17 of the same grade for promotion or separation.

18       “(c) **DUTIES.**—Each personnel board shall—

19           “(1) recommend to the Secretary such changes  
20 as may be necessary to correct any erroneous posi-  
21 tion on the lineal list that was caused by administra-  
22 tive error; and

23           “(2) make selections and recommendations to  
24 the Secretary and the President for the appoint-  
25 ment, promotion, involuntary separation, continu-  
26 ation, and involuntary retirement of officers in the

1 commissioned officer corps of the Administration as  
2 prescribed in this title.

3 ~~“(d) ACTION ON RECOMMENDATIONS NOT ACCEPT-~~  
4 ~~ABLE.—If any recommendation by a board convened~~  
5 ~~under subsection (a) is not accepted by the Secretary or~~  
6 ~~the President, the board shall make such further rec-~~  
7 ~~ommendations as the Secretary or the President consider~~  
8 ~~appropriate.”.~~

9 **SEC. 243. DELEGATION OF AUTHORITY.**

10 Section 226 (33 U.S.C. 3026) is amended—

11 (1) by striking “Appointments” and inserting  
12 the following:

13 ~~“(a) IN GENERAL.—Appointments”;~~ and

14 (2) by adding at the end the following:

15 ~~“(b) DELEGATION OF APPOINTMENT AUTHORITY.—~~  
16 ~~If the President delegates authority to the Secretary to~~  
17 ~~make appointments under this section, the President shall,~~  
18 ~~during a period in which the position of the Secretary is~~  
19 ~~vacant, delegate such authority to the Deputy Secretary~~  
20 ~~of Commerce or the Under Secretary for Oceans and At-~~  
21 ~~mosphere during such period.”.~~

22 **SEC. 244. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**  
23 **MARINE AND AVIATION OPERATIONS.**

24 Section 228(e) (33 U.S.C. 3028(e)) is amended—

1           (1) in the fourth sentence, by striking “Direc-  
2           tor” and inserting “Assistant Administrator”; and

3           (2) in the heading, by inserting “ASSISTANT  
4           ADMINISTRATOR OF THE” before “OFFICE”.

5 **SEC. 245. TEMPORARY APPOINTMENTS.**

6           (a) **IN GENERAL.**—Section 229 (33 U.S.C. 3029) is  
7 amended to read as follows:

8 **“SEC. 229. TEMPORARY APPOINTMENTS.**

9           “(a) **APPOINTMENTS BY PRESIDENT.**—Temporary  
10 appointments in the grade of ensign, lieutenant junior  
11 grade, or lieutenant may be made by the President.

12           “(b) **TERMINATION.**—A temporary appointment to a  
13 position under subsection (a) shall terminate upon ap-  
14 proval of a permanent appointment for such position made  
15 by the President.

16           “(c) **ORDER OF PRECEDENCE.**—Appointees under  
17 subsection (a) shall take precedence in the grade to which  
18 appointed in accordance with the dates of their appoint-  
19 ments as officers in such grade. The order of precedence  
20 of appointees who are appointed on the same date shall  
21 be determined by the Secretary.

22           “(d) **ANY ONE GRADE.**—When determined by the  
23 Secretary to be in the best interest of the commissioned  
24 officer corps, officers in any permanent grade may be tem-  
25 porarily promoted one grade by the President. Any such

1 temporary promotion terminates upon the transfer of the  
2 officer to a new assignment.

3       “(e) DELEGATION OF APPOINTMENT AUTHORITY.—  
4 If the President delegates authority to the Secretary to  
5 make appointments under this section, the President shall,  
6 during a period in which the position of the Secretary is  
7 vacant, delegate such authority to the Deputy Secretary  
8 of Commerce or the Under Secretary for Oceans and At-  
9 mosphere during such period.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
11 in section 1 of the Act entitled “An Act to authorize the  
12 Hydrographic Service Improvement Act of 1998, and for  
13 other purposes” (Public Law 107–372) is amended by  
14 striking the item relating to section 229 and inserting the  
15 following:

“Sec. 229. Temporary appointments.”.

16 **SEC. 246. OFFICER CANDIDATES.**

17       (a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et  
18 seq.) is amended by adding at the end the following:

19 **“SEC. 234. OFFICER CANDIDATES.**

20       “(a) DETERMINATION OF NUMBER.—The Secretary  
21 shall determine the number of appointments of officer can-  
22 didates.

23       “(b) APPOINTMENT.—Appointment of officer can-  
24 didates shall be made under regulations which the Sec-  
25 retary shall prescribe, including regulations with respect

1 to determining age limits, methods of selection of officer  
2 candidates, term of service as an officer candidate before  
3 graduation from the program, and all other matters af-  
4 fecting such appointment.

5       “(e) DISMISSAL.—The Secretary may dismiss from  
6 the basic officer training program of the Administration  
7 any officer candidate who, during the officer candidate’s  
8 term as an officer candidate, the Secretary considers un-  
9 satisfactory in either academics or conduct, or not adapted  
10 for a career in the commissioned officer corps of the Ad-  
11 ministration. Officer candidates shall be subject to rules  
12 governing discipline prescribed by the Director of the Na-  
13 tional Oceanic and Atmospheric Administration Commis-  
14 sioned Officer Corps.

15       “(d) AGREEMENT.—

16           “(1) IN GENERAL.—Each officer candidate  
17 shall sign an agreement with the Secretary in ac-  
18 cordance with section 216(a)(2) regarding the officer  
19 candidate’s term of service in the commissioned offi-  
20 cer corps of the Administration.

21           “(2) ELEMENTS.—An agreement signed by an  
22 officer candidate under paragraph (1) shall provide  
23 that the officer candidate agrees to the following:

1           “(A) That the officer candidate will com-  
2           plete the course of instruction at the basic offi-  
3           cer training program of the Administration.

4           “(B) That upon graduation from the such  
5           program, the officer candidate—

6                   “(i) will accept an appointment, if  
7                   tendered, as an officer; and

8                   “(ii) will serve on active duty for at  
9                   least 4 years immediately after such ap-  
10                  pointment.

11          “(e) REGULATIONS.—The Secretary shall prescribe  
12 regulations to carry out this section. Such regulations  
13 shall include—

14                  “(1) standards for determining what constitutes  
15                  a breach of an agreement signed under such sub-  
16                  section (d)(1); and

17                  “(2) procedures for determining whether such a  
18                  breach has occurred.

19          “(f) REPAYMENT.—An officer candidate or former  
20 officer candidate who does not fulfill the terms of the obli-  
21 gation to serve as specified under subsection (d) shall be  
22 subject to the repayment provisions of section 216(b).”.

23          (b) CLERICAL AMENDMENT.—The table of sections  
24 in section 1 of the Act entitled “An Act to authorize the  
25 Hydrographic Service Improvement Act of 1998, and for

1 other purposes” (Public Law 107-372) is amended by in-  
 2 serting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

3 (c) OFFICER CANDIDATE DEFINED.—Section 212(b)  
 4 (33 U.S.C. 3002(b)) is amended—

5 (1) by redesignating paragraphs (4) through  
 6 (6) as paragraphs (5) through (7), respectively; and

7 (2) by inserting after paragraph (3) the fol-  
 8 lowing:

9 “(4) OFFICER CANDIDATE.—The term ‘officer  
 10 candidate’ means an individual who is enrolled in the  
 11 basic officer training program of the Administration  
 12 and is under consideration for appointment as an of-  
 13 ficer under section 221(a)(2)(A).”.

14 (d) PAY FOR OFFICER CANDIDATES.—Section 203 of  
 15 title 37, United States Code, is amended by adding at the  
 16 end the following:

17 “(f)(1) An officer candidate enrolled in the basic offi-  
 18 cer training program of the commissioned officer corps of  
 19 the National Oceanic and Atmospheric Administration is  
 20 entitled, while participating in such program, to monthly  
 21 officer candidate pay at the monthly rate equal to the  
 22 basic pay of an enlisted member in the pay grade E-5  
 23 with less than 2 years service.

24 “(2) An individual who graduates from such program  
 25 shall receive credit for the time spent participating in such

1 program as if such time were time served while on active  
 2 duty as a commissioned officer. If the individual does not  
 3 graduate from such program, such time shall not be con-  
 4 sidered creditable for active duty or pay.”.

5 **SEC. 247. PROCUREMENT OF PERSONNEL.**

6 (a) **IN GENERAL.**—Subtitle B (33 U.S.C. 3021 et  
 7 seq.), as amended by section 246(a), is further amended  
 8 by adding at the end the following:

9 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

10 “The Secretary may make such expenditures as the  
 11 Secretary considers necessary in order to obtain recruits  
 12 for the commissioned officer corps of the Administration,  
 13 including advertising.”.

14 (b) **CLERICAL AMENDMENT.**—The table of sections  
 15 in section 1 of the Act entitled “An Act to authorize the  
 16 Hydrographic Service Improvement Act of 1998, and for  
 17 other purposes” (Public Law 107–372), as amended by  
 18 section 246(b), is further amended by inserting after the  
 19 item relating to section 234 the following:

“Sec. 235. Procurement of personnel.”.

20 **Subtitle D—Separation and**  
 21 **Retirement of Officers**

22 **SEC. 251. INVOLUNTARY RETIREMENT OR SEPARATION.**

23 Section 241 (33 U.S.C. 3041) is amended by adding  
 24 at the end the following:

1       “(d) DEFERMENT OF RETIREMENT OR SEPARATION  
2 FOR MEDICAL REASONS.—

3           “(1) IN GENERAL.—If the Secretary determines  
4 that the evaluation of the medical condition of an of-  
5 ficer requires hospitalization or medical observation  
6 that cannot be completed with confidence in a man-  
7 ner consistent with the officer’s well being before the  
8 date on which the officer would otherwise be re-  
9 quired to retire or be separated under this section,  
10 the Secretary may defer the retirement or separation  
11 of the officer.

12           “(2) CONSENT REQUIRED.—A deferment may  
13 only be made with the written consent of the officer  
14 involved. If the officer does not provide written con-  
15 sent to the deferment, the officer shall be retired or  
16 separated as scheduled.

17           “(3) LIMITATION.—A deferral of retirement or  
18 separation under this subsection may not extend for  
19 more than 30 days after completion of the evalua-  
20 tion requiring hospitalization or medical observa-  
21 tion.”.

22 **SEC. 252. SEPARATION PAY.**

23       Section 242 (33 U.S.C. 3042) is amended by adding  
24 at the end the following:

1       “(d) EXCEPTION.—An officer discharged for twice  
2 failing selection for promotion to the next higher grade  
3 is not entitled to separation pay under this section if the  
4 officer—

5           “(1) expresses a desire not to be selected for  
6 promotion; or

7           “(2) requests removal from the list of select-  
8 ees.”.

## 9           **TITLE III—HYDROGRAPHIC** 10           **SERVICES**

### 11   **SEC. 301. REAUTHORIZATION OF HYDROGRAPHIC SERV-** 12           **ICES IMPROVEMENT ACT OF 1998.**

13       (a) REAUTHORIZATIONS.—Section 306 of the Hydro-  
14 graphic Services Improvement Act of 1998 (33 U.S.C.  
15 892d) is amended—

16           (1) in the matter before paragraph (1), by  
17 striking “There are” and inserting the following:

18           “(a) IN GENERAL.—There are”;

19           (2) in subsection (a) (as designated by para-  
20 graph (1))—

21           (A) in paragraph (1), by striking “sur-  
22 veys—” and all that follows through the end of  
23 the paragraph and inserting “surveys,  
24 \$70,814,000 for each of fiscal years 2016  
25 through 2020.”;

1           (B) in paragraph (2), by striking “ves-  
2           sels—” and all that follows through the end of  
3           the paragraph and inserting “vessels,  
4           \$25,000,000 for each of fiscal years 2016  
5           through 2020.”;

6           (C) in paragraph (3), by striking “Admin-  
7           istration—” and all that follows through the  
8           end of the paragraph and inserting “Adminis-  
9           tration, \$29,932,000 for each of fiscal years  
10          2016 through 2020.”;

11          (D) in paragraph (4), by striking “title—  
12          ” and all that follows through the end of the  
13          paragraph and inserting “title, \$26,800,000 for  
14          each of fiscal years 2016 through 2020.”; and

15          (E) in paragraph (5), by striking “title—  
16          ” and all that follows through the end of the  
17          paragraph and inserting “title, \$30,564,000 for  
18          each of fiscal years 2016 through 2020.”; and  
19          (3) by adding at the end the following:

20          “(b) ARCTIC PROGRAMS.—Of the amount authorized  
21          by this section for each fiscal year—

22                 “(1) \$5,000,000 is authorized for use to ac-  
23                 quire hydrographic data, provide hydrographic serv-  
24                 ices, conduct coastal change analyses necessary to

1 ensure safe navigation, and improve the manage-  
 2 ment of coastal change in the Arctic; and

3 ~~“(2) \$2,000,000 is authorized for use to ac-~~  
 4 ~~quire hydrographic data and provide hydrographic~~  
 5 ~~services in the Arctic necessary to delineate the~~  
 6 ~~United States extended Continental Shelf.”.~~

7 (b) ~~LIMITATION ON ADMINISTRATIVE EXPENSES FOR~~  
 8 ~~SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is~~  
 9 ~~further amended by adding at the end the following:~~

10 ~~“(c) LIMITATION ON ADMINISTRATIVE EXPENSES~~  
 11 ~~FOR SURVEYS.—Of amounts authorized by this section for~~  
 12 ~~each fiscal year for contract hydrographic surveys, not~~  
 13 ~~more than 5 percent is authorized for administrative costs~~  
 14 ~~associated with contract management.”.~~

15 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*  
 17 *tional Oceanic and Atmospheric Administration Sexual*  
 18 *Harassment and Assault Prevention Act”.*

19 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 20 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

**TITLE I—SEXUAL HARASSMENT AND ASSAULT PREVENTION AT  
 THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

*Sec. 101. Actions to address sexual harassment at National Oceanic and Atmos-*  
*spheric Administration.*

*Sec. 102. Actions to address sexual assault at National Oceanic and Atmospheric*  
*Administration.*

*Sec. 103. Rights of the victim of a sexual assault.*

*Sec. 104. Change of station.*

- Sec. 105. Applicability of policies to crews of vessels secured by National Oceanic and Atmospheric Administration under contract.*
- Sec. 106. Annual report on sexual assaults in the National Oceanic and Atmospheric Administration.*
- Sec. 107. Definition.*

*TITLE II—COMMISSIONED OFFICER CORPS OF THE NATIONAL  
OCEANIC AND ATMOSPHERIC ADMINISTRATION*

- Sec. 201. References to National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002.*

*Subtitle A—General Provisions*

- Sec. 211. Strength and distribution in grade.*
- Sec. 212. Recalled officers.*
- Sec. 213. Obligated service requirement.*
- Sec. 214. Training and physical fitness.*
- Sec. 215. Recruiting materials.*
- Sec. 216. Charter vessel safety policy.*
- Sec. 217. Technical correction.*

*Subtitle B—Parity and Recruitment*

- Sec. 221. Education loans.*
- Sec. 222. Interest payments.*
- Sec. 223. Student pre-commissioning program.*
- Sec. 224. Limitation on educational assistance.*
- Sec. 225. Applicability of certain provisions of title 10, United States Code, and extension of certain authorities applicable to members of the Armed Forces to commissioned officer corps.*
- Sec. 226. Applicability of certain provisions of title 37, United States Code.*
- Sec. 227. Legion of Merit award.*
- Sec. 228. Prohibition on retaliatory personnel actions.*
- Sec. 229. Penalties for wearing uniform without authority.*
- Sec. 230. Application of certain provisions of competitive service law.*
- Sec. 231. Employment and reemployment rights.*
- Sec. 232. Treatment of commission in commissioned officer corps for purposes of certain hiring decisions.*
- Sec. 233. Direct hire authority.*

*Subtitle C—Appointments and Promotion of Officers*

- Sec. 241. Appointments.*
- Sec. 242. Personnel boards.*
- Sec. 243. Delegation of authority.*
- Sec. 244. Assistant Administrator of the Office of Marine and Aviation Operations.*
- Sec. 245. Temporary appointments.*
- Sec. 246. Officer candidates.*
- Sec. 247. Procurement of personnel.*

*Subtitle D—Separation and Retirement of Officers*

- Sec. 251. Involuntary retirement or separation.*
- Sec. 252. Separation pay.*

## TITLE III—HYDROGRAPHIC SERVICES

*Sec. 301. Reauthorization of Hydrographic Services Improvement Act of 1998.*

1 **TITLE I—SEXUAL HARASSMENT**  
2 **AND ASSAULT PREVENTION**  
3 **AT THE NATIONAL OCEANIC**  
4 **AND ATMOSPHERIC ADMINIS-**  
5 **TRATION**

6 **SEC. 101. ACTIONS TO ADDRESS SEXUAL HARASSMENT AT**  
7 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
8 **MINISTRATION.**

9 (a) *REQUIRED POLICY.*—Not later than 1 year after  
10 the date of the enactment of this Act, the Secretary of Com-  
11 merce shall, acting through the Under Secretary for Oceans  
12 and Atmosphere, develop a policy on the prevention of and  
13 response to sexual harassment involving employees of the  
14 National Oceanic and Atmospheric Administration, mem-  
15 bers of the commissioned officer corps of the Administration,  
16 and individuals who work with or conduct business on be-  
17 half of the Administration.

18 (b) *MATTERS TO BE SPECIFIED IN POLICY.*—The pol-  
19 icy developed under subsection (a) shall include—

20 (1) *establishment of a program to promote*  
21 *awareness of the incidence of sexual harassment;*

22 (2) *clear procedures an individual should follow*  
23 *in the case of an occurrence of sexual harassment, in-*  
24 *cluding—*

1           (A) a specification of the person or persons  
2           to whom an alleged occurrence of sexual harass-  
3           ment should be reported by an individual and  
4           options for confidential reporting, including—

5                   (i) options and contact information for  
6                   after-hours contact; and

7                   (ii) procedure for obtaining assistance  
8                   and reporting sexual harassment while  
9                   working in a remote scientific field camp,  
10                  at sea, or in another field status; and

11           (B) a specification of any other person  
12           whom the victim should contact;

13           (3) establishment of a mechanism by which—

14                   (A) questions regarding sexual harassment  
15                   can be confidentially asked and confidentially  
16                   answered; and

17                   (B) incidents of sexual harassment can be  
18                   confidentially reported; and

19           (4) a prohibition on retaliation and consequences  
20           for retaliatory actions.

21           (c) CONSULTATION AND ASSISTANCE.—In developing  
22           the policy required by subsection (a), the Secretary may  
23           consult or receive assistance from such State, local, and na-  
24           tional organizations and subject matter experts as the Sec-  
25           retary considers appropriate.

1       (d) *AVAILABILITY OF POLICY.*—*The Secretary shall en-*  
2 *sure that the policy developed under subsection (a) is avail-*  
3 *able to—*

4           (1) *all employees of the Administration and*  
5 *members of the commissioned officer corps of the Ad-*  
6 *ministration, including those employees and members*  
7 *who conduct field work for the Administration; and*

8           (2) *the public.*

9       (e) *GEOGRAPHIC DISTRIBUTION OF EQUAL EMPLOY-*  
10 *MENT OPPORTUNITY PERSONNEL.*—*The Secretary shall en-*  
11 *sure that at least 1 employee of the Administration who*  
12 *is tasked with handling matters relating to equal employ-*  
13 *ment opportunity or sexual harassment is stationed—*

14           (1) *in each region in which the Administration*  
15 *conducts operations; and*

16           (2) *in each marine and aviation center of the*  
17 *Administration.*

18       (f) *QUARTERLY REPORTS.*—

19           (1) *IN GENERAL.*—*Not less frequently than 4*  
20 *times each year, the Director of the Civil Rights Of-*  
21 *fice of the Administration shall submit to the Under*  
22 *Secretary a report on sexual harassment in the Ad-*  
23 *ministration.*

24           (2) *CONTENTS.*—*Each report submitted under*  
25 *paragraph (1) shall include the following:*

1           (A) *Number of sexual harassment cases,*  
2           *both actionable and non-actionable, involving in-*  
3           *dividuals covered by the policy developed under*  
4           *subsection (a).*

5           (B) *Number of open actionable sexual har-*  
6           *assment cases and how long the cases have been*  
7           *open.*

8           (C) *Such trends or region specific issues as*  
9           *the Director may have discovered with respect to*  
10          *sexual harassment in the Administration.*

11          (D) *Such recommendations as the Director*  
12          *may have with respect to sexual harassment in*  
13          *the Administration.*

14 **SEC. 102. ACTIONS TO ADDRESS SEXUAL ASSAULT AT NA-**  
15                   **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-**  
16                   **ISTRATION.**

17          (a) *COMPREHENSIVE POLICY ON PREVENTION AND RE-*  
18          *SPONSE TO SEXUAL ASSAULTS.—Not later than 1 year*  
19          *after the date of the enactment of this Act, the Secretary*  
20          *of Commerce shall, acting through the Under Secretary for*  
21          *Oceans and Atmosphere, develop a comprehensive policy on*  
22          *the prevention of and response to sexual assaults involving*  
23          *employees of the National Oceanic and Atmospheric Admin-*  
24          *istration, members of the commissioned officer corps of the*

1 *Administration, and individuals who work with or conduct*  
2 *business on behalf of the Administration.*

3 (b) *ELEMENTS OF COMPREHENSIVE POLICY.—The*  
4 *comprehensive policy developed under subsection (a) shall,*  
5 *at minimum, address the following matters:*

6 (1) *Prevention measures.*

7 (2) *Education and training on prevention and*  
8 *response.*

9 (3) *A list of support resources an individual*  
10 *may use in the occurrence of sexual assault, includ-*  
11 *ing—*

12 (A) *options and contact information for*  
13 *after-hours contact; and*

14 (B) *procedure for obtaining assistance and*  
15 *reporting sexual assault while working in a re-*  
16 *mote scientific field camp, at sea, or in another*  
17 *field status.*

18 (4) *Easy and ready availability of information*  
19 *described in paragraph (3).*

20 (5) *Establishing a mechanism by which—*

21 (A) *questions regarding sexual assault can*  
22 *be confidentially asked and confidentially an-*  
23 *swered; and*

24 (B) *incidents of sexual assault can be con-*  
25 *fidentially reported.*

1           (6) *Protocols for the investigation of complaints*  
2 *by command and law enforcement personnel.*

3           (7) *Prohibiting retaliation and consequences for*  
4 *retaliatory actions against someone who reports a sex-*  
5 *ual assault.*

6           (8) *Oversight by the Under Secretary of admin-*  
7 *istrative and disciplinary actions in response to sub-*  
8 *stantial incidents of sexual assault.*

9           (9) *Victim advocacy, including establishment of*  
10 *and the responsibilities and training requirements for*  
11 *victim advocates as described in subsection (c).*

12           (10) *Availability of resources for victims of sex-*  
13 *ual assault within other Federal agencies and State,*  
14 *local, and national organizations.*

15 (c) *VICTIM ADVOCACY.—*

16           (1) *IN GENERAL.—The Secretary, acting through*  
17 *the Under Secretary, shall establish victim advocates*  
18 *to advocate for victims of sexual assaults involving*  
19 *employees of the Administration, members of the com-*  
20 *missioned officer corps of the Administration, and in-*  
21 *dividuals who work with or conduct business on be-*  
22 *half of the Administration.*

23           (2) *VICTIM ADVOCATES.—For purposes of this*  
24 *subsection, a victim advocate is a permanent em-*  
25 *ployee of the Administration who—*

1           (A) is trained in matters relating to sexual  
2 assault and the comprehensive policy developed  
3 under subsection (a); and

4           (B) serve as a victim advocate voluntarily  
5 and in addition to the employee's other duties as  
6 an employee of the Administration.

7           (3) PRIMARY DUTIES.—The primary duties of a  
8 victim advocate established under paragraph (1) shall  
9 include the following:

10           (A) Supporting victims of sexual assault  
11 and informing them of their rights and the re-  
12 sources available to them as victims.

13           (B) Acting as a companion in navigating  
14 investigative, medical, mental and emotional  
15 health, and recovery processes relating to sexual  
16 assault.

17           (C) Helping to identify resources to ensure  
18 the safety of victims of sexual assault.

19           (4) LOCATION.—The Secretary shall ensure that  
20 at least 1 victim advocate established under para-  
21 graph (1) is stationed—

22           (A) in each region in which the Adminis-  
23 tration conducts operations; and

24           (B) in each marine and aviation center of  
25 the Administration.

1           (5) *HOTLINE.*—

2                   (A) *IN GENERAL.*—*In carrying out this sub-*  
3                   *section, the Secretary shall establish a telephone*  
4                   *number at which a victim of a sexual assault*  
5                   *can get in touch with a victim advocate.*

6                   (B) *24-HOUR ACCESS.*—*The Secretary shall*  
7                   *ensure that the telephone number established*  
8                   *under subparagraph (A) is monitored at all*  
9                   *times.*

10           (6) *FORMAL RELATIONSHIPS WITH OTHER ENTI-*  
11           *TIES.*—*The Secretary may enter into formal relation-*  
12           *ships with other entities to make available additional*  
13           *victim advocates.*

14           (d) *AVAILABILITY OF POLICY.*—*The Secretary shall en-*  
15           *sure that the policy developed under subsection (a) is avail-*  
16           *able to—*

17                   (1) *all employees of the Administration and*  
18                   *members of the commissioned officer corps of the Ad-*  
19                   *ministration, including those employees and members*  
20                   *who conduct field work for the Administration; and*

21                   (2) *the public.*

22           (e) *CONSULTATION AND ASSISTANCE.*—*In developing*  
23           *the policy required by subsection (a), the Secretary may*  
24           *consult or receive assistance from such State, local, and na-*

1 *tional organizations and subject matter experts as the Sec-*  
 2 *retary considers appropriate.*

3 **SEC. 103. RIGHTS OF THE VICTIM OF A SEXUAL ASSAULT.**

4 *A victim of a sexual assault covered by the comprehen-*  
 5 *sive policy developed under section 102(a) has the right to*  
 6 *be reasonably protected from the accused.*

7 **SEC. 104. CHANGE OF STATION.**

8 *(a) CHANGE OF STATION, UNIT TRANSFER, OR*  
 9 *CHANGE OF WORK LOCATION OF VICTIMS.—*

10 *(1) TIMELY CONSIDERATION AND ACTION UPON*  
 11 *REQUEST.—The Secretary of Commerce, acting*  
 12 *through the Under Secretary for Oceans and Atmos-*  
 13 *phere, shall—*

14 *(A) in the case of a member of the commis-*  
 15 *sioned officer corps of the National Oceanic and*  
 16 *Atmospheric Administration who was a victim*  
 17 *of a sexual assault, in order to reduce the possi-*  
 18 *bility of retaliation or further sexual assault,*  
 19 *provide for timely determination and action on*  
 20 *an application submitted by the victim for con-*  
 21 *sideration of a change of station or unit transfer*  
 22 *of the victim; and*

23 *(B) in the case of an employee of the Ad-*  
 24 *ministration who was a victim of a sexual as-*  
 25 *sault, to the degree practicable and in order to*

1           *reduce the possibility of retaliation against the*  
2           *employee for reporting the sexual assault, accom-*  
3           *modate a request for a change of work location*  
4           *of the victim.*

5           (2) *PROCEDURES.—*

6                   (A) *PERIOD FOR APPROVAL AND DIS-*  
7                   *APPROVAL.—The Secretary, acting through the*  
8                   *Under Secretary, shall ensure that an applica-*  
9                   *tion or request submitted under paragraph (1)*  
10                   *for a change of station, unit transfer, or change*  
11                   *of work location is approved or denied within 72*  
12                   *hours of the submission of the application or re-*  
13                   *quest.*

14                   (B) *REVIEW.—If an application or request*  
15                   *submitted under paragraph (1) by a victim of a*  
16                   *sexual assault for a change of station, unit*  
17                   *transfer, or change of work location of the victim*  
18                   *is denied—*

19                           (i) *the victim may request the Sec-*  
20                           *retary review the denial; and*

21                           (ii) *the Secretary, acting through the*  
22                           *Under Secretary, shall, not later than 72*  
23                           *hours after receiving such request, affirm or*  
24                           *overturn the denial.*

1       (b) *CHANGE OF STATION, UNIT TRANSFER, AND*  
2 *CHANGE OF WORK LOCATION OF ALLEGED PERPETRA-*  
3 *TORS.—*

4           (1) *IN GENERAL.—The Secretary, acting through*  
5 *the Under Secretary, shall develop a policy for the*  
6 *protection of victims of sexual assault described in*  
7 *subsection (a)(1) by providing the alleged perpetrator*  
8 *of the sexual assault with a change of station, unit*  
9 *transfer, or change of work location, as the case may*  
10 *be, if the alleged perpetrator is a member of the com-*  
11 *missioned officer corps of the Administration or an*  
12 *employee of the Administration.*

13           (2) *POLICY REQUIREMENTS.—The policy re-*  
14 *quired by paragraph (1) shall include the following:*

15                   (A) *A means to control access to the victim.*

16                   (B) *Due process for the victim and the al-*  
17 *leged perpetrator.*

18       (c) *REGULATIONS.—*

19           (1) *IN GENERAL.—The Secretary shall promul-*  
20 *gate regulations to carry out this section.*

21           (2) *CONSISTENCY.—When practicable, the Sec-*  
22 *retary shall make regulations promulgated under this*  
23 *section consistent with similar regulations promul-*  
24 *gated by the Secretary of Defense.*

1 **SEC. 105. APPLICABILITY OF POLICIES TO CREWS OF VES-**  
2 **SELS SECURED BY NATIONAL OCEANIC AND**  
3 **ATMOSPHERIC ADMINISTRATION UNDER**  
4 **CONTRACT.**

5 *The Under Secretary for Oceans and Atmosphere shall*  
6 *ensure that each contract into which the Under Secretary*  
7 *enters for the use of a vessel by the National Oceanic and*  
8 *Atmospheric Administration that covers the crew of the ves-*  
9 *sel, if any, shall include as a condition of the contract a*  
10 *provision that subjects such crew to the policy developed*  
11 *under section 101(a) and the comprehensive policy devel-*  
12 *oped under section 102(a).*

13 **SEC. 106. ANNUAL REPORT ON SEXUAL ASSAULTS IN THE**  
14 **NATIONAL OCEANIC AND ATMOSPHERIC AD-**  
15 **MINISTRATION.**

16 *(a) IN GENERAL.—Not later than January 15 of each*  
17 *year, the Secretary of Commerce shall submit to the Com-*  
18 *mittee on Commerce, Science, and Transportation of the*  
19 *Senate and the Committee on Natural Resources of the*  
20 *House of Representatives a report on the sexual assaults in-*  
21 *volving employees of the National Oceanic and Atmospheric*  
22 *Administration, members of the commissioned officer corps*  
23 *of the Administration, and individuals who work with or*  
24 *conduct business on behalf of the Administration.*

1       (b) *CONTENTS.*—Each report submitted under sub-  
2 section (a) shall include, with respect to the previous cal-  
3 endar year, the following:

4           (1) *The number of alleged sexual assaults involv-*  
5 *ing employees, members, and individuals described in*  
6 *subsection (a).*

7           (2) *A synopsis of each case and the disciplinary*  
8 *action taken, if any, in each case.*

9           (3) *The policies, procedures, and processes imple-*  
10 *mented by the Secretary, and any updates or revi-*  
11 *sions to such policies, procedures, and processes.*

12           (4) *A summary of the reports received by the*  
13 *Under Secretary for Oceans and Atmosphere under*  
14 *section 101(f).*

15       (c) *PRIVACY PROTECTION.*—*In preparing and submit-*  
16 *ting a report under subsection (a), the Secretary shall en-*  
17 *sure that no individual involved in an alleged sexual as-*  
18 *sault can be identified by the contents of the report.*

19 **SEC. 107. DEFINITION.**

20       *In this title, the term “sexual assault” shall have the*  
21 *meaning given such term in section 40002(a) of the Violence*  
22 *Against Women Act of 1994 (42 U.S.C. 13925(a)).*

1 **TITLE II—COMMISSIONED OFFI-**  
 2 **CER CORPS OF THE NA-**  
 3 **TIONAL OCEANIC AND ATMOS-**  
 4 **PHERIC ADMINISTRATION**

5 **SEC. 201. REFERENCES TO NATIONAL OCEANIC AND ATMOS-**  
 6 **PHERIC ADMINISTRATION COMMISSIONED**  
 7 **OFFICER CORPS ACT OF 2002.**

8 *Except as otherwise expressly provided, whenever in*  
 9 *this title an amendment or repeal is expressed in terms of*  
 10 *an amendment to, or repeal of, a section or other provision,*  
 11 *the reference shall be considered to be made to a section or*  
 12 *other provision of the National Oceanic and Atmospheric*  
 13 *Administration Commissioned Officer Corps Act of 2002*  
 14 *(33 U.S.C. 3001 et seq.).*

15 **Subtitle A—General Provisions**

16 **SEC. 211. STRENGTH AND DISTRIBUTION IN GRADE.**

17 *Section 214 (33 U.S.C. 3004) is amended to read as*  
 18 *follows:*

19 **“SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

20 *“(a) GRADES.—The commissioned grades in the com-*  
 21 *missioned officer corps of the Administration are the fol-*  
 22 *lowing, in relative rank with officers of the Navy:*

23 *“(1) Vice admiral.*

24 *“(2) Rear admiral.*

25 *“(3) Rear admiral (lower half).*

1           “(4) *Captain.*

2           “(5) *Commander.*

3           “(6) *Lieutenant commander.*

4           “(7) *Lieutenant.*

5           “(8) *Lieutenant (junior grade).*

6           “(9) *Ensign.*

7           “(b) *GRADE DISTRIBUTION.—The Secretary shall pre-*  
8 *scribe, with respect to the distribution on the lineal list in*  
9 *grade, the percentages applicable to the grades set forth in*  
10 *subsection (a).*

11          “(c) *ANNUAL COMPUTATION OF NUMBER IN GRADE.—*

12           “(1) *IN GENERAL.—Not less frequently than once*  
13 *each year, the Secretary shall make a computation to*  
14 *determine the number of officers on the lineal list au-*  
15 *thorized to be serving in each grade.*

16           “(2) *METHOD OF COMPUTATION.—The number*  
17 *in each grade shall be computed by applying the ap-*  
18 *plicable percentage to the total number of such officers*  
19 *serving on active duty on the date the computation is*  
20 *made.*

21           “(3) *FRACTIONS.—If a final fraction occurs in*  
22 *computing the authorized number of officers in a*  
23 *grade, the nearest whole number shall be taken. If the*  
24 *fraction is  $\frac{1}{2}$ , the next higher whole number shall be*  
25 *taken.*

1       “(d) *TEMPORARY INCREASE IN NUMBERS.*—*The total*  
 2 *number of officers authorized by law to be on the lineal list*  
 3 *during a fiscal year may be temporarily exceeded if the av-*  
 4 *erage number on that list during that fiscal year does not*  
 5 *exceed the authorized number.*”

6       “(e) *POSITIONS OF IMPORTANCE AND RESPONSI-*  
 7 *BILITY.*—*Officers serving in positions designated under sec-*  
 8 *tion 228(a) and officers recalled from retired status shall*  
 9 *not be counted when computing authorized strengths under*  
 10 *subsection (c) and shall not count against those strengths.*”

11       “(f) *PRESERVATION OF GRADE AND PAY.*—*No officer*  
 12 *may be reduced in grade or pay or separated from the com-*  
 13 *missioned officer corps of the Administration as the result*  
 14 *of a computation made to determine the authorized number*  
 15 *of officers in the various grades.”*

16 **SEC. 212. RECALLED OFFICERS.**

17       *Section 215 (33 U.S.C. 3005) is amended—*

18               (1) *in the matter before paragraph (1), by strik-*  
 19 *ing “Effective” and inserting the following:*

20               “(a) *IN GENERAL.*—*Effective*”; *and*

21               (2) *by adding at the end the following new sub-*  
 22 *section:*

23       “(b) *POSITIONS OF IMPORTANCE AND RESPONSI-*  
 24 *BILITY.*—*Officers serving in positions designated under sec-*  
 25 *tion 228 and officers recalled from retired status—*

1           “(1) may not be counted in determining the total  
2           number of authorized officers on the lineal list under  
3           this section; and

4           “(2) may not count against such number.”.

5 **SEC. 213. OBLIGATED SERVICE REQUIREMENT.**

6           (a) *IN GENERAL.*—Subtitle A (33 U.S.C. 3001 et seq.)  
7 is amended by adding at the end the following:

8 **“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

9           “(a) *IN GENERAL.*—

10           “(1) *RULEMAKING.*—The Secretary shall pre-  
11 scribe the obligated service requirements for appoint-  
12 ments, training, promotions, separations, continu-  
13 ations, and retirement of officers not otherwise cov-  
14 ered by law.

15           “(2) *WRITTEN AGREEMENTS.*—The Secretary  
16 and officers shall enter into written agreements that  
17 describe the officers’ obligated service requirements  
18 prescribed under paragraph (1) in return for such ap-  
19 pointments, training, promotions, separations, and  
20 retirements as the Secretary considers appropriate.

21           “(b) *REPAYMENT FOR FAILURE TO SATISFY REQUIRE-*  
22 *MENTS.*—

23           “(1) *IN GENERAL.*—The Secretary may require  
24 an officer who fails to meet the service requirements  
25 prescribed under subsection (a)(1) to reimburse the

1        *Secretary in an amount that bears the same ratio to*  
2        *the total costs of the training provided to that officer*  
3        *by the Secretary as the unserved portion of active*  
4        *duty bears to the total period of active duty the officer*  
5        *agreed to serve.*

6                *“(2) OBLIGATION AS DEBT TO UNITED STATES.—*  
7        *An obligation to reimburse the Secretary under para-*  
8        *graph (1) shall be considered for all purposes as a*  
9        *debt owed to the United States.*

10               *“(3) DISCHARGE IN BANKRUPTCY.—A discharge*  
11        *in bankruptcy under title 11 that is entered less than*  
12        *5 years after the termination of a written agreement*  
13        *entered into under subsection (a)(2) does not dis-*  
14        *charge the individual signing the agreement from a*  
15        *debt arising under such agreement.*

16               *“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The*  
17        *Secretary may waive the service obligation of an officer*  
18        *who—*

19               *“(1) becomes unqualified to serve on active duty*  
20        *in the commissioned officer corps of the Administra-*  
21        *tion because of a circumstance not within the control*  
22        *of that officer; or*

23               *“(2) is—*

24               *“(A) not physically qualified for appoint-*  
25        *ment; and*

1           “(B) determined to be unqualified for serv-  
 2           ice in the commissioned officer corps of the Ad-  
 3           ministration because of a physical or medical  
 4           condition that was not the result of the officer’s  
 5           own misconduct or grossly negligent conduct.”.

6           (b) *CLERICAL AMENDMENT.*—The table of sections in  
 7           section 1 of the Act entitled “An Act to authorize the Hydro-  
 8           graphic Services Improvement Act of 1998, and for other  
 9           purposes” (Public Law 107–372) is amended by inserting  
 10          after the item relating to section 215 the following:

          “Sec. 216. Obligated service requirement.”.

11       **SEC. 214. TRAINING AND PHYSICAL FITNESS.**

12           (a) *IN GENERAL.*—Subtitle A (33 U.S.C. 3001 et seq.),  
 13           as amended by section 213(a), is further amended by add-  
 14           ing at the end the following:

15       **“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

16           “(a) *TRAINING.*—The Secretary may take such meas-  
 17           ures as may be necessary to ensure that officers are pre-  
 18           pared to carry out their duties in the commissioned officer  
 19           corps of the Administration and proficient in the skills nec-  
 20           essary to carry out such duties. Such measures may include  
 21           the following:

22                   “(1) Carrying out training programs and cor-  
 23                   respondence courses, including establishing and oper-  
 24                   ating a basic officer training program to provide ini-  
 25                   tial indoctrination and maritime vocational training

1       *for officer candidates as well as refresher training,*  
2       *mid-career training, aviation training, and such*  
3       *other training as the Secretary considers necessary for*  
4       *officer development and proficiency.*

5               “(2) *Providing officers and officer candidates*  
6       *with books and school supplies.*

7               “(3) *Acquiring such equipment as may be nec-*  
8       *essary for training and instructional purposes.*

9               “(b) *PHYSICAL FITNESS.—The Secretary shall ensure*  
10       *that officers maintain a high physical state of readiness by*  
11       *establishing standards of physical fitness for officers that*  
12       *are substantially equivalent to those prescribed for officers*  
13       *in the Coast Guard.”.*

14               “(b) *CLERICAL AMENDMENT.—The table of sections in*  
15       *section 1 of the Act entitled “An Act to authorize the Hydro-*  
16       *graphic Services Improvement Act of 1998, and for other*  
17       *purposes” (Public Law 107–372), as amended by section*  
18       *213(b), is further amended by inserting after the item relat-*  
19       *ing to section 216 the following:*

*“Sec. 217. Training and physical fitness.”.*

20       **SEC. 215. RECRUITING MATERIALS.**

21               “(a) *IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.),*  
22       *as amended by section 214(a), is further amended by add-*  
23       *ing at the end the following:*

1 **“SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RE-**  
 2 **LATIONS.**

3 *“The Secretary may use for public relations purposes*  
 4 *of the Department of Commerce any advertising materials*  
 5 *developed for use for recruitment and retention of personnel*  
 6 *for the commissioned officer corps of the Administration.*  
 7 *Any such use shall be under such conditions and subject*  
 8 *to such restrictions as the Secretary shall prescribe.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections in*  
 10 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 11 *graphic Services Improvement Act of 1998, and for other*  
 12 *purposes” (Public Law 107–372), as amended by section*  
 13 *214(b), is further amended by inserting after the item relat-*  
 14 *ing to section 217 the following:*

*“Sec. 218. Use of recruiting materials for public relations.”.*

15 **SEC. 216. CHARTER VESSEL SAFETY POLICY.**

16 (a) *POLICY REQUIRED.—Not later than 1 year after*  
 17 *the date of the enactment of this Act, the Secretary of Com-*  
 18 *merce shall, acting through the Under Secretary for Oceans*  
 19 *and Atmosphere, develop and implement a charter vessel*  
 20 *safety policy applicable to the acquisition by the National*  
 21 *Oceanic and Atmospheric Administration of charter vessel*  
 22 *services.*

23 (b) *ELEMENTS.—The policy required by subsection (a)*  
 24 *shall address vessel safety, operational safety, and basic per-*  
 25 *sonnel safety requirements applicable to the vessel size, type,*

1 *and intended use. At a minimum, the policy shall include*  
2 *the following:*

3           (1) *Basic vessel safety requirements that address*  
4 *stability, egress, fire protection and lifesaving equip-*  
5 *ment, hazardous materials, and pollution control.*

6           (2) *Personnel safety requirements that address*  
7 *crew qualifications, medical training and services,*  
8 *safety briefings and drills, and crew habitability.*

9           (c) *LIMITATION.—The Secretary shall ensure that the*  
10 *basic vessel safety requirements and personnel safety re-*  
11 *quirements included in the policy required by subsection*  
12 *(a)—*

13           (1) *do not exceed the vessel safety requirements*  
14 *and personnel safety requirements promulgated by the*  
15 *Secretary of the department in which the Coast*  
16 *Guard is operating; and*

17           (2) *to the degree practicable, are consistent with*  
18 *the requirements described in paragraph (1).*

19 **SEC. 217. TECHNICAL CORRECTION.**

20           *Section 101(21)(C) of title 38, United States Code, is*  
21 *amended by inserting “in the commissioned officer corps”*  
22 *before “of the National”.*

1 ***Subtitle B—Parity and Recruitment***

2 ***SEC. 221. EDUCATION LOANS.***

3 *(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.)*  
 4 *is amended by adding at the end the following:*

5 ***“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.***

6 *“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For*  
 7 *the purpose of maintaining adequate numbers of officers of*  
 8 *the commissioned officer corps of the Administration on ac-*  
 9 *tive duty who have skills required by the commissioned offi-*  
 10 *cer corps, the Secretary may repay, in the case of a person*  
 11 *described in subsection (b), a loan that—*

12 *“(1) was used by the person to finance edu-*  
 13 *cation; and*

14 *“(2) was obtained from a governmental entity,*  
 15 *private financial institution, educational institution,*  
 16 *or other authorized entity.*

17 *“(b) ELIGIBLE PERSONS.—To be eligible to obtain a*  
 18 *loan repayment under this section, a person must—*

19 *“(1) satisfy 1 of the requirements specified in*  
 20 *subsection (c);*

21 *“(2) be fully qualified for, or hold, an appoint-*  
 22 *ment as a commissioned officer in the commissioned*  
 23 *officer corps of the Administration; and*

24 *“(3) sign a written agreement to serve on active*  
 25 *duty, or, if on active duty, to remain on active duty*

1       *for a period in addition to any other incurred active*  
 2       *duty obligation.*

3       “(c) *ACADEMIC AND PROFESSIONAL REQUIRE-*  
 4 *MENTS.—One of the following academic requirements must*  
 5 *be satisfied for purposes of determining the eligibility of an*  
 6 *individual for a loan repayment under this section:*

7               “(1) *The person is fully qualified in a profession*  
 8       *that the Secretary has determined to be necessary to*  
 9       *meet identified skill shortages in the commissioned of-*  
 10       *ficer corps.*

11               “(2) *The person is enrolled as a full-time student*  
 12       *in the final year of a course of study at an accredited*  
 13       *educational institution (as determined by the Sec-*  
 14       *retary of Education) leading to a degree in a profes-*  
 15       *sion that will meet identified skill shortages in the*  
 16       *commissioned officer corps.*

17       “(d) *LOAN REPAYMENTS.—*

18               “(1) *IN GENERAL.—Subject to the limits estab-*  
 19       *lished under paragraph (2), a loan repayment under*  
 20       *this section may consist of the payment of the prin-*  
 21       *cipal, interest, and related expenses of a loan obtained*  
 22       *by a person described in subsection (b).*

23               “(2) *LIMITATION ON AMOUNT.—For each year of*  
 24       *obligated service that a person agrees to serve in an*  
 25       *agreement described in subsection (b)(3), the Sec-*

1        *retary may pay not more than the amount specified*  
2        *in section 2173(e)(2) of title 10, United States Code.*

3        “(e) *ACTIVE DUTY SERVICE OBLIGATION.*—

4                “(1) *IN GENERAL.*—*A person entering into an*  
5        *agreement described in subsection (b)(3) incurs an ac-*  
6        *tive duty service obligation.*

7                “(2) *LENGTH OF OBLIGATION DETERMINED*  
8        *UNDER REGULATIONS.*—

9                “(A) *IN GENERAL.*—*Except as provided in*  
10        *subparagraph (B), the length of the obligation*  
11        *under paragraph (1) shall be determined under*  
12        *regulations prescribed by the Secretary.*

13                “(B) *MINIMUM OBLIGATION.*—*The regula-*  
14        *tions prescribed under subparagraph (A) may*  
15        *not provide for a period of obligation of less than*  
16        *1 year for each maximum annual amount, or*  
17        *portion thereof, paid on behalf of the person for*  
18        *qualified loans.*

19                “(3) *PERSONS ON ACTIVE DUTY BEFORE ENTER-*  
20        *ING INTO AGREEMENT.*—*The active duty service obli-*  
21        *gation of persons on active duty before entering into*  
22        *the agreement shall be served after the conclusion of*  
23        *any other obligation incurred under the agreement.*

24                “(f) *EFFECT OF FAILURE TO COMPLETE OBLIGA-*  
25        *TION.*—

1           “(1) *ALTERNATIVE OBLIGATIONS.*—An officer  
2           who is relieved of the officer’s active duty obligation  
3           under this section before the completion of that obliga-  
4           tion may be given any alternative obligation, at the  
5           discretion of the Secretary.

6           “(2) *REPAYMENT.*—An officer who does not com-  
7           plete the period of active duty specified in the agree-  
8           ment entered into under subsection (b)(3), or the al-  
9           ternative obligation imposed under paragraph (1),  
10          shall be subject to the repayment provisions under sec-  
11          tion 216.

12          “(g) *RULEMAKING.*—The Secretary shall prescribe reg-  
13          ulations to carry out this section, including—

14                 “(1) standards for qualified loans and authorized  
15                 payees; and

16                 “(2) other terms and conditions for the making  
17                 of loan repayments.”.

18          (b) *CLERICAL AMENDMENT.*—The table of sections in  
19          section 1 of the Act entitled “An Act to authorize the Hydro-  
20          graphic Services Improvement Act of 1998, and for other  
21          purposes” (Public Law 107–372) is amended by inserting  
22          after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

1 **SEC. 222. INTEREST PAYMENTS.**

2       (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
3 *as amended by section 221(a), is further amended by add-*  
4 *ing at the end the following:*

5 **“SEC. 268. INTEREST PAYMENT PROGRAM.**

6       “(a) *AUTHORITY.*—*The Secretary may pay the interest*  
7 *and any special allowances that accrue on 1 or more stu-*  
8 *dent loans of an eligible officer, in accordance with this sec-*  
9 *tion.*

10       “(b) *ELIGIBLE OFFICERS.*—*An officer is eligible for*  
11 *the benefit described in subsection (a) while the officer—*

12               “(1) *is serving on active duty;*

13               “(2) *has not completed more than 3 years of*  
14 *service on active duty;*

15               “(3) *is the debtor on 1 or more unpaid loans de-*  
16 *scribed in subsection (c); and*

17               “(4) *is not in default on any such loan.*

18       “(c) *STUDENT LOANS.*—*The authority to make pay-*  
19 *ments under subsection (a) may be exercised with respect*  
20 *to the following loans:*

21               “(1) *A loan made, insured, or guaranteed under*  
22 *part B of title IV of the Higher Education Act of*  
23 *1965 (20 U.S.C. 1071 et seq.).*

24               “(2) *A loan made under part D of such title (20*  
25 *U.S.C. 1087a et seq.).*

1           “(3) *A loan made under part E of such title (20*  
2           *U.S.C. 1087aa et seq.)*.

3           “(d) *MAXIMUM BENEFIT.—Interest and any special*  
4           *allowance may be paid on behalf of an officer under this*  
5           *section for any of the 36 consecutive months during which*  
6           *the officer is eligible under subsection (b).*

7           “(e) *FUNDS FOR PAYMENTS.—The Secretary may use*  
8           *amounts appropriated for the pay and allowances of per-*  
9           *sonnel of the commissioned officer corps of the Administra-*  
10          *tion for payments under this section.*

11          “(f) *COORDINATION WITH SECRETARY OF EDU-*  
12          *CATION.—*

13                  “(1) *IN GENERAL.—The Secretary shall consult*  
14                  *with the Secretary of Education regarding the admin-*  
15                  *istration of this section.*

16                  “(2) *TRANSFER OF FUNDS.—The Secretary shall*  
17                  *transfer to the Secretary of Education the funds nec-*  
18                  *essary—*

19                          “(A) *to pay interest and special allowances*  
20                          *on student loans under this section (in accord-*  
21                          *ance with sections 428(o), 455(l), and 464(j) of*  
22                          *the Higher Education Act of 1965 (20 U.S.C.*  
23                          *1078(o), 1087e(l), and 1087dd(j)); and*

24                          “(B) *to reimburse the Secretary of Edu-*  
25                          *cation for any reasonable administrative costs*

1           *incurred by the Secretary in coordinating the*  
2           *program under this section with the administra-*  
3           *tion of the student loan programs under parts B,*  
4           *D, and E of title IV of the Higher Education Act*  
5           *of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.,*  
6           *1087aa et seq.).*

7           “(g) *SPECIAL ALLOWANCE DEFINED.*—*In this section,*  
8           *the term ‘special allowance’ means a special allowance that*  
9           *is payable under section 438 of the Higher Education Act*  
10           *of 1965 (20 U.S.C. 1087–1).”.*

11           (b) *CONFORMING AMENDMENTS.*—

12                   (1) *Section 428(o) of the Higher Education Act*  
13                   *of 1965 (20 U.S.C. 1078(o)) is amended—*

14                           (A) *by striking the subsection heading and*  
15                           *inserting “ARMED FORCES AND NOAA COMMIS-*  
16                           *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
17                           *EST PAYMENT PROGRAMS”;* and

18                           (B) *in paragraph (1)—*

19                                   (i) *by inserting “or section 264 of the*  
20                                   *National Oceanic and Atmospheric Admin-*  
21                                   *istration Commissioned Officer Corps Act of*  
22                                   *2002” after “Code,”;* and

23                                   (ii) *by inserting “or an officer in the*  
24                                   *commissioned officer corps of the National*

1                   *Oceanic and Atmospheric Administration,*  
2                   *respectively,” after “Armed Forces”.*

3                   (2) *Sections 455(l) and 464(j) of the Higher*  
4                   *Education Act of 1965 (20 U.S.C. 1087e(l) and*  
5                   *1087dd(j)) are each amended—*

6                   (A) *by striking the subsection heading and*  
7                   *inserting “ARMED FORCES AND NOAA COMMIS-*  
8                   *SIONED OFFICER CORPS STUDENT LOAN INTER-*  
9                   *EST PAYMENT PROGRAMS”;* and

10                   (B) *in paragraph (1)—*

11                   (i) *by inserting “or section 264 of the*  
12                   *National Oceanic and Atmospheric Admin-*  
13                   *istration Commissioned Officer Corps Act of*  
14                   *2002” after “Code,”;* and

15                   (ii) *by inserting “or an officer in the*  
16                   *commissioned officer corps of the National*  
17                   *Oceanic and Atmospheric Administration,*  
18                   *respectively” after “Armed Forces”.*

19                   (c) *CLERICAL AMENDMENT.—The table of sections in*  
20                   *section 1 of the Act entitled “An Act to authorize the Hydro-*  
21                   *graphic Services Improvement Act of 1998, and for other*  
22                   *purposes” (Public Law 107–372), as amended by section*  
23                   *221(b), is further amended by inserting after the item relat-*  
24                   *ing to section 267 the following:*

                  “Sec. 268. *Interest payment program.*”.

1 **SEC. 223. STUDENT PRE-COMMISSIONING PROGRAM.**

2       (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
 3 *as amended by section 222(a), is further amended by add-*  
 4 *ing at the end the following:*

5 **“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION AS-**  
 6 **SISTANCE PROGRAM.**

7       “(a) *AUTHORITY TO PROVIDE FINANCIAL ASSIST-*  
 8 *ANCE.*—*For the purpose of maintaining adequate numbers*  
 9 *of officers of the commissioned officer corps of the Adminis-*  
 10 *tration on active duty, the Secretary may provide financial*  
 11 *assistance to a person described in subsection (b) for ex-*  
 12 *penses of the person while the person is pursuing on a full-*  
 13 *time basis at an accredited educational institution (as de-*  
 14 *termined by the Secretary of Education) a program of edu-*  
 15 *cation approved by the Secretary that leads to—*

16               “(1) *a baccalaureate degree in not more than 5*  
 17 *academic years; or*

18               “(2) *a postbaccalaureate degree.*

19       “(b) *ELIGIBLE PERSONS.*—

20               “(1) *IN GENERAL.*—*A person is eligible to obtain*  
 21 *financial assistance under subsection (a) if the per-*  
 22 *son—*

23               “(A) *is enrolled on a full-time basis in a*  
 24 *program of education referred to in subsection*  
 25 *(a) at any educational institution described in*  
 26 *such subsection;*

1           “(B) meets all of the requirements for ac-  
2           ceptance into the commissioned officer corps of  
3           the Administration except for the completion of  
4           a baccalaureate degree; and

5           “(C) enters into a written agreement with  
6           the Secretary described in paragraph (2).

7           “(2) AGREEMENT.—A written agreement referred  
8           to in paragraph (1)(C) is an agreement between the  
9           person and the Secretary in which the person  
10          agrees—

11           “(A) to accept an appointment as an offi-  
12          cer, if tendered; and

13           “(B) upon completion of the person’s edu-  
14          cational program, agrees to serve on active duty,  
15          immediately after appointment, for—

16           “(i) up to 3 years if the person re-  
17          ceived less than 3 years of assistance; and

18           “(ii) up to 5 years if the person re-  
19          ceived at least 3 years of assistance.

20          “(c) QUALIFYING EXPENSES.—Expenses for which fi-  
21          nancial assistance may be provided under subsection (a)  
22          are the following:

23           “(1) Tuition and fees charged by the educational  
24          institution involved.

25           “(2) The cost of books.

1           “(3) *In the case of a program of education lead-*  
2           *ing to a baccalaureate degree, laboratory expenses.*

3           “(4) *Such other expenses as the Secretary con-*  
4           *siders appropriate.*

5           “(d) *LIMITATION ON AMOUNT.—The Secretary shall*  
6           *prescribe the amount of financial assistance provided to a*  
7           *person under subsection (a), which may not exceed the*  
8           *amount specified in section 2173(e)(2) of title 10, United*  
9           *States Code, for each year of obligated service that a person*  
10          *agrees to serve in an agreement described in subsection*  
11          *(b)(2).*

12          “(e) *DURATION OF ASSISTANCE.—Financial assist-*  
13          *ance may be provided to a person under subsection (a) for*  
14          *not more than 5 consecutive academic years.*

15          “(f) *SUBSISTENCE ALLOWANCE.—*

16                 “(1) *IN GENERAL.—A person who receives finan-*  
17                 *cial assistance under subsection (a) shall be entitled*  
18                 *to a monthly subsistence allowance at a rate pre-*  
19                 *scribed under paragraph (2) for the duration of the*  
20                 *period for which the person receives such financial as-*  
21                 *sistance.*

22                 “(2) *DETERMINATION OF AMOUNT.—The Sec-*  
23                 *retary shall prescribe monthly rates for subsistence al-*  
24                 *lowance provided under paragraph (1), which shall be*

1       *equal to the amount specified in section 2144(a) of*  
2       *title 10, United States Code.*

3       “(g) *INITIAL CLOTHING ALLOWANCE.*—

4               “(1) *TRAINING.*—*The Secretary may prescribe a*  
5       *sum which shall be credited to each person who re-*  
6       *ceives financial assistance under subsection (a) to*  
7       *cover the cost of the person’s initial clothing and*  
8       *equipment issue.*

9               “(2) *APPOINTMENT.*—*Upon completion of the*  
10       *program of education for which a person receives fi-*  
11       *nancial assistance under subsection (a) and accept-*  
12       *ance of appointment in the commissioned officer corps*  
13       *of the Administration, the person may be issued a*  
14       *subsequent clothing allowance equivalent to that nor-*  
15       *mally provided to a newly appointed officer.*

16       “(h) *TERMINATION OF FINANCIAL ASSISTANCE.*—

17               “(1) *IN GENERAL.*—*The Secretary shall termi-*  
18       *nate the assistance provided to a person under this*  
19       *section if—*

20                       “(A) *the Secretary accepts a request by the*  
21       *person to be released from an agreement de-*  
22       *scribed in subsection (b)(2);*

23                       “(B) *the misconduct of the person results in*  
24       *a failure to complete the period of active duty re-*  
25       *quired under the agreement; or*

1           “(C) the person fails to fulfill any term or  
2           condition of the agreement.

3           “(2) REIMBURSEMENT.—The Secretary may re-  
4           quire a person who receives assistance described in  
5           subsection (c), (f), or (g) under an agreement entered  
6           into under subsection (b)(1)(C) to reimburse the Sec-  
7           retary in an amount that bears the same ratio to the  
8           total costs of the assistance provided to that person as  
9           the unserved portion of active duty bears to the total  
10          period of active duty the officer agreed to serve under  
11          the agreement.

12          “(3) WAIVER.—The Secretary may waive the  
13          service obligation of a person through an agreement  
14          entered into under subsection (b)(1)(C) if the per-  
15          son—

16                 “(A) becomes unqualified to serve on active  
17                 duty in the commissioned officer corps of the Ad-  
18                 ministration because of a circumstance not with-  
19                 in the control of that person; or

20                 “(B) is—

21                         “(i) not physically qualified for ap-  
22                         pointment; and

23                         “(ii) determined to be unqualified for  
24                         service in the commissioned officer corps of  
25                         the Administration because of a physical or

1                   *medical condition that was not the result of*  
 2                   *the person’s own misconduct or grossly neg-*  
 3                   *ligent conduct.*

4                   “(4) *OBLIGATION AS DEBT TO UNITED STATES.—*  
 5                   *An obligation to reimburse the Secretary imposed*  
 6                   *under paragraph (2) is, for all purposes, a debt owed*  
 7                   *to the United States.*

8                   “(5) *DISCHARGE IN BANKRUPTCY.—A discharge*  
 9                   *in bankruptcy under title 11, United States Code,*  
 10                  *that is entered less than 5 years after the termination*  
 11                  *of a written agreement entered into under subsection*  
 12                  *(b)(1)(C) does not discharge the person signing the*  
 13                  *agreement from a debt arising under such agreement*  
 14                  *or under paragraph (2).*

15                  “(i) *REGULATIONS.—The Secretary may promulgate*  
 16                  *such regulations and orders as the Secretary considers ap-*  
 17                  *propriate to carry out this section.”.*

18                  (b) *CLERICAL AMENDMENT.—The table of sections in*  
 19                  *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 20                  *graphic Services Improvement Act of 1998, and for other*  
 21                  *purposes” (Public Law 107–372), as amended by section*  
 22                  *222(c), is further amended by inserting after the item relat-*  
 23                  *ing to section 268 the following:*

                  “Sec. 269. *Student pre-commissioning education assistance program.”.*

1 **SEC. 224. LIMITATION ON EDUCATIONAL ASSISTANCE.**

2       (a) *IN GENERAL.*—Each fiscal year, beginning with  
3 fiscal year 2013, the Secretary of Commerce shall ensure  
4 that the total amount expended by the Secretary under sec-  
5 tion 267 of the National Oceanic and Atmospheric Admin-  
6 istration Commissioned Officer Corps Act of 2002 (as added  
7 by section 221(a)), section 268 of such Act (as added by  
8 section 222(a)), and section 269 of such Act (as added by  
9 section 223(a)) does not exceed the amount by which—

10           (1) the total amount the Secretary would pay in  
11 that fiscal year to officer candidates under section  
12 203(f)(1) of title 37, United States Code (as added by  
13 section 246(d)), if such section entitled officers can-  
14 didates to pay at monthly rates equal to the basic pay  
15 of a commissioned officer in the pay grade O–1 with  
16 less than 2 years of service; exceeds

17           (2) the total amount the Secretary actually pays  
18 in that fiscal year to officer candidates under section  
19 203(f)(1) of such title (as so added).

20       (b) *OFFICER CANDIDATE DEFINED.*—In this section,  
21 the term “officer candidate” has the meaning given the term  
22 in section 212 of the National Oceanic and Atmospheric  
23 Administration Commissioned Officer Corps Act of 2002  
24 (33 U.S.C. 3002), as added by section 246(c).

1 **SEC. 225. APPLICABILITY OF CERTAIN PROVISIONS OF**  
2 **TITLE 10, UNITED STATES CODE, AND EXTEN-**  
3 **SION OF CERTAIN AUTHORITIES APPLICABLE**  
4 **TO MEMBERS OF THE ARMED FORCES TO**  
5 **COMMISSIONED OFFICER CORPS.**

6 *(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE*  
7 *10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—*

8 *(1) by redesignating paragraphs (13) through*  
9 *(16) as paragraphs (20) through (23), respectively;*

10 *(2) by redesignating paragraphs (7) through (12)*  
11 *as paragraphs (12) through (17), respectively;*

12 *(3) by redesignating paragraphs (4) through (6)*  
13 *as paragraphs (8) through (10), respectively;*

14 *(4) by inserting after paragraph (3) the fol-*  
15 *lowing:*

16 *“(4) Section 771, relating to unauthorized wear-*  
17 *ing of uniforms.*

18 *“(5) Section 774, relating to wearing religious*  
19 *apparel while in uniform.*

20 *“(6) Section 982, relating to service on State*  
21 *and local juries.*

22 *“(7) Section 1031, relating to administration of*  
23 *oaths.”;*

24 *(5) by inserting after paragraph (10), as redesign-*  
25 *ated, the following:*

1           “(11) Chapter 58, relating to the Benefits and  
2           Services for members being separated or recently sep-  
3           arated.”; and

4           (6) by inserting after paragraph (17), as redesign-  
5           nated, the following:

6           “(18) Subchapter I of chapter 88, relating to  
7           Military Family Programs.

8           “(19) Section 2005, relating to advanced edu-  
9           cation assistance, active duty agreements, and reim-  
10          bursement requirements.”.

11          (b) *EXTENSION OF CERTAIN AUTHORITIES.*—

12           (1) *NOTARIAL SERVICES.*—Section 1044a of title  
13          10, United States Code, is amended—

14           (A) in subsection (a)(1), by striking “armed  
15          forces” and inserting “uniformed services”; and

16           (B) in subsection (b)(4), by striking “armed  
17          forces” both places it appears and inserting  
18          “uniformed services”.

19           (2) *ACCEPTANCE OF VOLUNTARY SERVICES FOR*  
20          *PROGRAMS SERVING MEMBERS AND THEIR FAMI-*  
21          *LIES.*—Section 1588 of such title is amended—

22           (A) in subsection (a)(3), by striking “armed  
23          forces” and inserting “uniformed services”; and

24           (B) by adding at the end the following new  
25          subsection:

1       “(g) *SECRETARY CONCERNED FOR ACCEPTANCE OF*  
 2 *SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA*  
 3 *AND THEIR FAMILIES.*—*For purposes of the acceptance of*  
 4 *services described in subsection (a)(3), the term ‘Secretary*  
 5 *concerned’ in subsection (a) shall include the Secretary of*  
 6 *Commerce with respect to members of the National Oceanic*  
 7 *and Atmospheric Administration.’.*”

8               (3) *CAPSTONE COURSE FOR NEWLY SELECTED*  
 9 *FLAG OFFICERS.*—*Section 2153 of such title is*  
 10 *amended—*

11               (A) *in subsection (a)—*

12                       (i) *by inserting “or the commissioned*  
 13 *corps of the National Oceanic and Atmos-*  
 14 *pheric Administration” after “in the case of*  
 15 *the Navy”; and*

16                       (ii) *by striking “other armed forces”*  
 17 *and inserting “other uniformed services”;*  
 18 *and*

19               (B) *in subsection (b)(1), by inserting “or*  
 20 *the Secretary of Commerce, as applicable,” after*  
 21 *“the Secretary of Defense”.*

22 **SEC. 226. APPLICABILITY OF CERTAIN PROVISIONS OF**  
 23 **TITLE 37, UNITED STATES CODE.**

24       (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.)*  
 25 *is amended by inserting after section 261 the following:*

1 **“SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF**  
2 **TITLE 37, UNITED STATES CODE.**

3 *“(a) PROVISIONS MADE APPLICABLE TO COMMIS-*  
4 *SIONED OFFICER CORPS.—The provisions of law applicable*  
5 *to the Armed Forces under the following provisions of title*  
6 *37, United States Code, shall apply to the commissioned*  
7 *officer corps of the Administration:*

8 *“(1) Section 324, relating to accession bonuses*  
9 *for new officers in critical skills.*

10 *“(2) Section 403(f)(3), relating to prescribing*  
11 *regulations defining the terms ‘field duty’ and ‘sea*  
12 *duty’.*

13 *“(3) Section 403(l), relating to temporary con-*  
14 *tinuation of housing allowance for dependents of*  
15 *members dying on active duty.*

16 *“(4) Section 414(a)(2), relating to personal*  
17 *money allowance while serving as Director of the Na-*  
18 *tional Oceanic and Atmospheric Administration*  
19 *Commissioned Officer Corps.*

20 *“(5) Section 488, relating to allowances for re-*  
21 *cruiting expenses.*

22 *“(6) Section 495, relating to allowances for fu-*  
23 *neral honors duty.*

24 *“(b) REFERENCES.—The authority vested by title 37,*  
25 *United States Code, in the ‘military departments’, ‘the Sec-*  
26 *retary concerned’, or ‘the Secretary of Defense’ with respect*

1 *to the provisions of law referred to in subsection (a) shall*  
 2 *be exercised, with respect to the commissioned officer corps*  
 3 *of the Administration, by the Secretary of Commerce or the*  
 4 *Secretary’s designee.”.*

5 (b) *CLERICAL AMENDMENT.—The table of sections in*  
 6 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 7 *graphic Services Improvement Act of 1998, and for other*  
 8 *purposes” (Public Law 107–372) is amended by inserting*  
 9 *after the item relating to section 261 the following:*

*“Sec. 261A. Applicability of certain provisions of title 37, United States Code.”.*

10 **SEC. 227. LEGION OF MERIT AWARD.**

11 *Section 1121 of title 10, United States Code, is amend-*  
 12 *ed by striking “armed forces” and inserting “uniformed*  
 13 *services”.*

14 **SEC. 228. PROHIBITION ON RETALIATORY PERSONNEL AC-**  
 15 **TIONS.**

16 (a) *IN GENERAL.—Subsection (a) of section 261 (33*  
 17 *U.S.C. 3071), as amended by section 225, is further amend-*  
 18 *ed—*

19 (1) *by redesignating paragraphs (8) through (23)*  
 20 *as paragraphs (9) through (24), respectively; and*

21 (2) *by inserting after paragraph (7) the fol-*  
 22 *lowing:*

23 “(8) *Section 1034, relating to protected commu-*  
 24 *nications and prohibition of retaliatory personnel ac-*  
 25 *tions.”.*

1           (b) *CONFORMING AMENDMENT.*—*Subsection (b) of such*  
 2 *section is amended by adding at the end the following: “For*  
 3 *purposes of paragraph (8) of subsection (a), the term ‘In-*  
 4 *spector General’ in section 1034 of such title 10 shall mean*  
 5 *the Inspector General of the Department of Commerce.”.*

6           (c) *REGULATIONS.*—*Such section is further amended*  
 7 *by adding at the end the following:*

8           “(c) *REGULATIONS REGARDING PROTECTED COMMU-*  
 9 *NICATIONS AND PROHIBITION OF RETALIATORY PER-*  
 10 *SONNEL ACTIONS.*—*The Secretary may promulgate regula-*  
 11 *tions to carry out the application of section 1034 of title*  
 12 *10, United States Code, to the commissioned officer corps*  
 13 *of the Administration, including by promulgating such ad-*  
 14 *ministrative procedures for investigation and appeal with-*  
 15 *in the commissioned officer corps as the Secretary considers*  
 16 *appropriate.”.*

17 **SEC. 229. PENALTIES FOR WEARING UNIFORM WITHOUT AU-**  
 18 **THORITY.**

19           *Section 702 of title 18, United States Code, is amended*  
 20 *by striking “Service or any” and inserting “Service, the*  
 21 *commissioned officer corps of the National Oceanic and At-*  
 22 *mospheric Administration, or any”.*

1 **SEC. 230. APPLICATION OF CERTAIN PROVISIONS OF COM-**  
2 **PETITIVE SERVICE LAW.**

3 *Section 3304(f) of title 5, United States Code, is*  
4 *amended—*

5 *(1) in paragraph (1), by inserting “and mem-*  
6 *bers of the commissioned officer corps of the National*  
7 *Oceanic and Atmospheric Administration (or its*  
8 *predecessor organization the Coast and Geodetic Sur-*  
9 *vey) separated from such uniformed service” after*  
10 *“separated from the armed forces”;*

11 *(2) in paragraph (2), by striking “or veteran”*  
12 *and inserting “, veteran, or member”; and*

13 *(3) in paragraph (4), by inserting “and mem-*  
14 *bers of the commissioned officer corps of the National*  
15 *Oceanic and Atmospheric Administration (or its*  
16 *predecessor organization the Coast and Geodetic Sur-*  
17 *vey) separated from such uniformed service” after*  
18 *“separated from the armed forces”.*

19 **SEC. 231. EMPLOYMENT AND REEMPLOYMENT RIGHTS.**

20 *Section 4303(16) of title 38, United States Code, is*  
21 *amended by inserting “the commissioned officer corps of the*  
22 *National Oceanic and Atmospheric Administration,” after*  
23 *“Public Health Service,”.*

1 **SEC. 232. TREATMENT OF COMMISSION IN COMMISSIONED**  
2 **OFFICER CORPS FOR PURPOSES OF CERTAIN**  
3 **HIRING DECISIONS.**

4 (a) *IN GENERAL.*—*Subtitle E (33 U.S.C. 3071 et seq.),*  
5 *as amended by this title, is further amended by adding at*  
6 *the end the following:*

7 **“SEC. 269A. TREATMENT OF COMMISSION IN COMMIS-**  
8 **SIONED OFFICER CORPS AS EMPLOYMENT IN**  
9 **ADMINISTRATION FOR PURPOSES OF CER-**  
10 **TAIN HIRING DECISIONS.**

11 “(a) *IN GENERAL.*—*In any case in which the Sec-*  
12 *retary accepts an application for a position of employment*  
13 *with the Administration and limits consideration of appli-*  
14 *cations for such position to applications submitted by indi-*  
15 *viduals serving in a career or career-conditional position*  
16 *in the competitive service within the Administration, the*  
17 *Secretary shall deem an officer who has served as an officer*  
18 *in the commissioned officer corps for at least 3 years to*  
19 *be serving in a career or career-conditional position in the*  
20 *competitive service within the Administration for purposes*  
21 *of such limitation.*

22 “(b) *CAREER APPOINTMENTS.*—*If the Secretary selects*  
23 *an application submitted by an officer described in sub-*  
24 *section (a) for a position described in such subsection, the*  
25 *Secretary shall give such officer a career or career-condi-*

1 *tional appointment in the competitive service, as appro-*  
 2 *priate.*

3       “(c) *COMPETITIVE SERVICE DEFINED.*—*In this sec-*  
 4 *tion, the term ‘competitive service’ has the meaning given*  
 5 *the term in section 2102 of title 5, United States Code.”.*

6       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 7 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 8 *graphic Services Improvement Act of 1998, and for other*  
 9 *purposes” (Public Law 107–372) is amended by inserting*  
 10 *after the item relating to section 269, as added by this title,*  
 11 *the following new item:*

*“Sec. 269A. Treatment of commission in commissioned officer corps as employ-*  
*ment in Administration for purposes of certain hiring deci-*  
*sions.”.*

12 **SEC. 233. DIRECT HIRE AUTHORITY.**

13       (a) *IN GENERAL.*—*The head of a Federal agency may*  
 14 *appoint, without regard to the provisions of subchapter I*  
 15 *of chapter 33 of title 5, United States Code, other than sec-*  
 16 *tions 3303 and 3328 of such title, a qualified candidate de-*  
 17 *scribed in subsection (b) directly to a position in the agency*  
 18 *for which the candidate meets qualification standards of the*  
 19 *Office of Personnel Management.*

20       (b) *CANDIDATES DESCRIBED.*—*A candidate described*  
 21 *in this subsection is a current or former member of the com-*  
 22 *missioned officer corps of the National Oceanic and Atmos-*  
 23 *pheric Administration who—*

1           (1) *fulfilled his or her obligated service require-*  
 2           *ment under section 216 of the National Oceanic and*  
 3           *Atmospheric Administration Commissioned Officer*  
 4           *Corps Act of 2002, as added by section 213;*

5           (2) *if no longer a member of the commissioned*  
 6           *officer corps of the Administration, was not dis-*  
 7           *charged or released therefrom as part of a discipli-*  
 8           *nary action; and*

9           (3) *has been separated or released from service in*  
 10          *the commissioned officer corps of the Administration*  
 11          *for a period of not more than 5 years.*

12          (c) *EFFECTIVE DATE.*—*This section shall apply with*  
 13          *respect to appointments made in fiscal year 2016 and in*  
 14          *each fiscal year thereafter.*

## 15           ***Subtitle C—Appointments and*** 16           ***Promotion of Officers***

### 17          ***SEC. 241. APPOINTMENTS.***

18          (a) *ORIGINAL APPOINTMENTS.*—*Section 221 (33*  
 19          *U.S.C. 3021) is amended to read as follows:*

### 20          ***“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINT-*** 21   ***MENTS.***

22                           ***“(a) ORIGINAL APPOINTMENTS.—***

23   ***“(1) GRADES.—***

24   ***“(A) IN GENERAL.—Except as provided in***  
 25   ***subparagraph (B), an original appointment of***

1           *an officer may be made in such grades as may*  
2           *be appropriate for—*

3                   “(i) *the qualification, experience, and*  
4                   *length of service of the appointee; and*

5                   “(ii) *the commissioned officer corps of*  
6                   *the Administration.*

7                   “(B) *APPOINTMENT OF OFFICER CAN-*  
8                   *DIDATES.—*

9                           “(i) *LIMITATION ON GRADE.—An origi-*  
10                           *nal appointment of an officer candidate,*  
11                           *upon graduation from the basic officer*  
12                           *training program of the commissioned offi-*  
13                           *cer corps of the Administration, may not be*  
14                           *made in any other grade than ensign.*

15                           “(ii) *RANK.—Officer candidates receiv-*  
16                           *ing appointments as ensigns upon gradua-*  
17                           *tion from basic officer training program*  
18                           *shall take rank according to their pro-*  
19                           *ficiency as shown by the order of their merit*  
20                           *at date of graduation.*

21                   “(2) *SOURCE OF APPOINTMENTS.—An original*  
22                   *appointment may be made from among the following:*

23                           “(A) *Graduates of the basic officer training*  
24                           *program of the commissioned officer corps of the*  
25                           *Administration.*

1           “(B) Graduates of the military service  
2 academies of the United States who otherwise  
3 meet the academic standards for enrollment in  
4 the training program described in subparagraph  
5 (A).

6           “(C) Graduates of the maritime academies  
7 of the States who—

8                 “(i) otherwise meet the academic  
9 standards for enrollment in the training  
10 program described in subparagraph (A);

11                 “(ii) completed at least 3 years of regi-  
12 mented training while at a maritime acad-  
13 emy of a State; and

14                 “(iii) obtained an unlimited tonnage  
15 or unlimited horsepower Merchant Mariner  
16 Credential from the United States Coast  
17 Guard.

18           “(D) Licensed officers of the United States  
19 merchant marine who have served 2 or more  
20 years aboard a vessel of the United States in the  
21 capacity of a licensed officer, who otherwise meet  
22 the academic standards for enrollment in the  
23 training program described in subparagraph  
24 (A).

25           “(3) DEFINITIONS.—In this subsection:

1           “(A) *MARITIME ACADEMIES OF THE*  
2           *STATES.*—*The term ‘maritime academies of the*  
3           *States’ means the following:*

4                   “(i) *California Maritime Academy,*  
5                   *Vallejo, California.*

6                   “(ii) *Great Lakes Maritime Academy,*  
7                   *Traverse City, Michigan.*

8                   “(iii) *Maine Maritime Academy,*  
9                   *Castine, Maine.*

10                   “(iv) *Massachusetts Maritime Acad-*  
11                   *emy, Buzzards Bay, Massachusetts.*

12                   “(v) *State University of New York*  
13                   *Maritime College, Fort Schuyler, New York.*

14                   “(vi) *Texas A&M Maritime Academy,*  
15                   *Galveston, Texas.*

16           “(B) *MILITARY SERVICE ACADEMIES OF*  
17           *THE UNITED STATES.*—*The term ‘military serv-*  
18           *ice academies of the United States’ means the*  
19           *following:*

20                   “(i) *The United States Military Acad-*  
21                   *emy, West Point, New York.*

22                   “(ii) *The United States Naval Acad-*  
23                   *emy, Annapolis, Maryland.*

24                   “(iii) *The United States Air Force*  
25                   *Academy, Colorado Springs, Colorado.*

1                   “(iv) *The United States Coast Guard*  
2                   *Academy, New London, Connecticut.*

3                   “(v) *The United States Merchant Ma-*  
4                   *rine Academy, Kings Point, New York.*

5           “(b) *REAPPOINTMENT.*—

6                   “(1) *IN GENERAL.*—*Except as provided in para-*  
7                   *graph (2), an individual who previously served in the*  
8                   *commissioned officer corps of the Administration may*  
9                   *be appointed by the Secretary to the grade the indi-*  
10                   *vidual held prior to separation.*

11                   “(2) *REAPPOINTMENTS TO HIGHER GRADES.*—  
12                   *An appointment under paragraph (1) to a position of*  
13                   *importance and responsibility designated under sec-*  
14                   *tion 228 may only be made by the President.*

15                   “(c) *QUALIFICATIONS.*—*An appointment under sub-*  
16                   *section (a) or (b) may not be given to an individual until*  
17                   *the individual’s mental, moral, physical, and professional*  
18                   *fitness to perform the duties of an officer has been estab-*  
19                   *lished under such regulations as the Secretary shall pre-*  
20                   *scribe.*

21                   “(d) *PRECEDENCE OF APPOINTEES.*—*Appointees*  
22                   *under this section shall take precedence in the grade to*  
23                   *which appointed in accordance with the dates of their com-*  
24                   *missions as commissioned officers in such grade. Appointees*

1 *whose dates of commission are the same shall take prece-*  
2 *dence with each other as the Secretary shall determine.*

3       “(e) *INTER-SERVICE TRANSFERS.*—*For inter-service*  
4 *transfers (as described in the Department of Defense Direc-*  
5 *tive 1300.4 (dated December 27, 2006)) the Secretary*  
6 *shall—*

7               “(1) *coordinate with the Secretary of Defense*  
8 *and the Secretary of the Department in which the*  
9 *Coast Guard is operating to promote and streamline*  
10 *inter-service transfers;*

11               “(2) *give preference to such inter-service trans-*  
12 *fers for recruitment purposes as determined appro-*  
13 *priate by the Secretary; and*

14               “(3) *reappoint such inter-service transfers to the*  
15 *equivalent grade in the commissioned officer corps.”.*

16       “(b) *CLERICAL AMENDMENT.*—*The table of sections in*  
17 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
18 *graphic Services Improvement Act of 1998, and for other*  
19 *purposes” (Public Law 107–372) is amended by striking*  
20 *the item relating to section 221 and inserting the following:*

      “*Sec. 221. Original appointments and reappointments.”.*

21 **SEC. 242. PERSONNEL BOARDS.**

22       *Section 222 (33 U.S.C. 3022) is amended to read as*  
23 *follows:*

1 **“SEC. 222. PERSONNEL BOARDS.**

2       “(a) *CONVENING.*—*Not less frequently than once each*  
3 *year and at such other times as the Secretary determines*  
4 *necessary, the Secretary shall convene a personnel board.*

5       “(b) *MEMBERSHIP.*—

6               “(1) *IN GENERAL.*—*A board convened under sub-*  
7 *section (a) shall consist of 5 or more officers who are*  
8 *serving in or above the permanent grade of the offi-*  
9 *cers under consideration by the board.*

10              “(2) *RETIRED OFFICERS.*—*Officers on the retired*  
11 *list may be recalled to serve on such personnel boards*  
12 *as the Secretary considers necessary.*

13              “(3) *NO MEMBERSHIP ON 2 SUCCESSIVE*  
14 *BOARDS.*—*No officer may be a member of 2 successive*  
15 *personnel boards convened to consider officers of the*  
16 *same grade for promotion or separation.*

17       “(c) *DUTIES.*—*Each personnel board shall—*

18              “(1) *recommend to the Secretary such changes as*  
19 *may be necessary to correct any erroneous position on*  
20 *the lineal list that was caused by administrative*  
21 *error; and*

22              “(2) *make selections and recommendations to the*  
23 *Secretary and the President for the appointment, pro-*  
24 *motion, involuntary separation, continuation, and*  
25 *involuntary retirement of officers in the commissioned*

1       *officer corps of the Administration as prescribed in*  
2       *this title.*

3       “(d) *ACTION ON RECOMMENDATIONS NOT ACCEPT-*  
4       *ABLE.—If any recommendation by a board convened under*  
5       *subsection (a) is not accepted by the Secretary or the Presi-*  
6       *dent, the board shall make such further recommendations*  
7       *as the Secretary or the President considers appropriate.”.*

8       **SEC. 243. DELEGATION OF AUTHORITY.**

9       *Section 226 (33 U.S.C. 3026) is amended—*

10               (1) *by striking “Appointments” and inserting*  
11       *the following:*

12               “(a) *IN GENERAL.—Appointments*”; and

13               (2) *by adding at the end the following:*

14               “(b) *DELEGATION OF APPOINTMENT AUTHORITY.—If*  
15       *the President delegates authority to the Secretary to make*  
16       *appointments under this section, the President shall, during*  
17       *a period in which the position of the Secretary is vacant,*  
18       *delegate such authority to the Deputy Secretary of Com-*  
19       *merce or the Under Secretary for Oceans and Atmosphere*  
20       *during such period.”.*

21       **SEC. 244. ASSISTANT ADMINISTRATOR OF THE OFFICE OF**  
22                       **MARINE AND AVIATION OPERATIONS.**

23       *Section 228(c) (33 U.S.C. 3028(c)) is amended—*

24               (1) *in the fourth sentence, by striking “Director”*  
25       *and inserting “Assistant Administrator”; and*

1           (2) *in the heading, by inserting “ASSISTANT AD-*  
2           *MINISTRATOR OF THE” before “OFFICE”.*

3 **SEC. 245. TEMPORARY APPOINTMENTS.**

4           (a) *IN GENERAL.*—Section 229 (33 U.S.C. 3029) is  
5 *amended to read as follows:*

6 **“SEC. 229. TEMPORARY APPOINTMENTS.**

7           “(a) *APPOINTMENTS BY PRESIDENT.*—Temporary ap-  
8 *pointments in the grade of ensign, lieutenant junior grade,*  
9 *or lieutenant may be made by the President.*

10          “(b) *TERMINATION.*—A temporary appointment to a  
11 *position under subsection (a) shall terminate upon ap-*  
12 *proval of a permanent appointment for such position made*  
13 *by the President.*

14          “(c) *ORDER OF PRECEDENCE.*—Appointees under sub-  
15 *section (a) shall take precedence in the grade to which ap-*  
16 *pointed in accordance with the dates of their appointments*  
17 *as officers in such grade. The order of precedence of ap-*  
18 *pointees who are appointed on the same date shall be deter-*  
19 *mined by the Secretary.*

20          “(d) *ANY ONE GRADE.*—When determined by the Sec-  
21 *retary to be in the best interest of the commissioned officer*  
22 *corps, officers in any permanent grade may be temporarily*  
23 *promoted one grade by the President. Any such temporary*  
24 *promotion terminates upon the transfer of the officer to a*  
25 *new assignment.*

1       “(e) *DELEGATION OF APPOINTMENT AUTHORITY.*—If  
 2 *the President delegates authority to the Secretary to make*  
 3 *appointments under this section, the President shall, during*  
 4 *a period in which the position of the Secretary is vacant,*  
 5 *delegate such authority to the Deputy Secretary of Com-*  
 6 *merce or the Under Secretary for Oceans and Atmosphere*  
 7 *during such period.”.*

8       (b) *CLERICAL AMENDMENT.*—*The table of sections in*  
 9 *section 1 of the Act entitled “An Act to authorize the Hydro-*  
 10 *graphic Service Improvement Act of 1998, and for other*  
 11 *purposes” (Public Law 107–372) is amended by striking*  
 12 *the item relating to section 229 and inserting the following:*

“*Sec. 229. Temporary appointments.*”.

13 **SEC. 246. OFFICER CANDIDATES.**

14       (a) *IN GENERAL.*—*Subtitle B (33 U.S.C. 3021 et seq.)*  
 15 *is amended by adding at the end the following:*

16 **“SEC. 234. OFFICER CANDIDATES.**

17       “(a) *DETERMINATION OF NUMBER.*—*The Secretary*  
 18 *shall determine the number of appointments of officer can-*  
 19 *didates.*

20       “(b) *APPOINTMENT.*—*Appointment of officer can-*  
 21 *didates shall be made under regulations which the Secretary*  
 22 *shall prescribe, including regulations with respect to deter-*  
 23 *mining age limits, methods of selection of officer candidates,*  
 24 *term of service as an officer candidate before graduation*

1 *from the program, and all other matters affecting such ap-*  
2 *pointment.*

3       “(c) *DISMISSAL.*—*The Secretary may dismiss from the*  
4 *basic officer training program of the Administration any*  
5 *officer candidate who, during the officer candidate’s term*  
6 *as an officer candidate, the Secretary considers unsatisfac-*  
7 *tory in either academics or conduct, or not adapted for a*  
8 *career in the commissioned officer corps of the Administra-*  
9 *tion. Officer candidates shall be subject to rules governing*  
10 *discipline prescribed by the Director of the National Oce-*  
11 *anic and Atmospheric Administration Commissioned Offi-*  
12 *cer Corps.*

13       “(d) *AGREEMENT.*—

14               “(1) *IN GENERAL.*—*Each officer candidate shall*  
15 *sign an agreement with the Secretary in accordance*  
16 *with section 216(a)(2) regarding the officer can-*  
17 *didate’s term of service in the commissioned officer*  
18 *corps of the Administration.*

19               “(2) *ELEMENTS.*—*An agreement signed by an of-*  
20 *ficer candidate under paragraph (1) shall provide*  
21 *that the officer candidate agrees to the following:*

22                       “(A) *That the officer candidate will com-*  
23 *plete the course of instruction at the basic officer*  
24 *training program of the Administration.*

1                   “(B) That upon graduation from the such  
2                   program, the officer candidate—

3                   “(i) will accept an appointment, if  
4                   tendered, as an officer; and

5                   “(ii) will serve on active duty for at  
6                   least 4 years immediately after such ap-  
7                   pointment.

8                   “(e) REGULATIONS.—The Secretary shall prescribe  
9 regulations to carry out this section. Such regulations shall  
10 include—

11                   “(1) standards for determining what constitutes  
12 a breach of an agreement signed under such sub-  
13 section (d)(1); and

14                   “(2) procedures for determining whether such a  
15 breach has occurred.

16                   “(f) REPAYMENT.—An officer candidate or former offi-  
17 cer candidate who does not fulfill the terms of the obligation  
18 to serve as specified under section (d) shall be subject to  
19 the repayment provisions of section 216(b).”.

20                   “(b) CLERICAL AMENDMENT.—The table of sections in  
21 section 1 of the Act entitled “An Act to authorize the Hydro-  
22 graphic Services Improvement Act of 1998, and for other  
23 purposes” (Public Law 107–372) is amended by inserting  
24 after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

1       (c) *OFFICER CANDIDATE DEFINED.*—Section 212(b)  
2 (33 U.S.C. 3002(b)) is amended—

3           (1) by redesignating paragraphs (4) through (6)  
4 as paragraphs (5) through (7), respectively; and

5           (2) by inserting after paragraph (3) the fol-  
6 lowing:

7           “(4) *OFFICER CANDIDATE.*—The term ‘officer  
8 candidate’ means an individual who is enrolled in the  
9 basic officer training program of the Administration  
10 and is under consideration for appointment as an of-  
11 ficer under section 221(a)(2)(A).”

12       (d) *PAY FOR OFFICER CANDIDATES.*—Section 203 of  
13 title 37, United States Code, is amended by adding at the  
14 end the following:

15           “(f)(1) An officer candidate enrolled in the basic officer  
16 training program of the commissioned officer corps of the  
17 National Oceanic and Atmospheric Administration is enti-  
18 tled, while participating in such program, to monthly offi-  
19 cer candidate pay at monthly rate equal to the basic pay  
20 of an enlisted member in the pay grade E-5 with less than  
21 2 years service.

22           “(2) An individual who graduates from such program  
23 shall receive credit for the time spent participating in such  
24 program as if such time were time served while on active  
25 duty as a commissioned officer. If the individual does not

1 graduate from such program, such time shall not be consid-  
 2 ered creditable for active duty or pay.”.

3 **SEC. 247. PROCUREMENT OF PERSONNEL.**

4 (a) *IN GENERAL.*—Subtitle B (33 U.S.C. 3021 et seq.),  
 5 as amended by section 246(a), is further amended by add-  
 6 ing at the end the following:

7 **“SEC. 235. PROCUREMENT OF PERSONNEL.**

8 “The Secretary may make such expenditures as the  
 9 Secretary considers necessary in order to obtain recruits for  
 10 the commissioned officer corps of the Administration, in-  
 11 cluding advertising.”.

12 (b) *CLERICAL AMENDMENT.*—The table of sections in  
 13 section 1 of the Act entitled “An Act to authorize the Hydro-  
 14 graphic Services Improvement Act of 1998, and for other  
 15 purposes” (Public Law 107–372), as amended by section  
 16 246(b), is further amended by inserting after the item relat-  
 17 ing to section 234 the following:

“235. Procurement of personnel.”.

18 ***Subtitle D—Separation and***  
 19 ***Retirement of Officers***

20 **SEC. 251. INVOLUNTARY RETIREMENT OR SEPARATION.**

21 Section 241 (33 U.S.C. 3041) is amended by adding  
 22 at the end the following:

23 “(d) *DEFERMENT OF RETIREMENT OR SEPARATION*  
 24 *FOR MEDICAL REASONS.*—

1           “(1) *IN GENERAL.*—If the Secretary determines  
2           that the evaluation of the medical condition of an of-  
3           ficer requires hospitalization or medical observation  
4           that cannot be completed with confidence in a man-  
5           ner consistent with the officer’s well being before the  
6           date on which the officer would otherwise be required  
7           to retire or be separated under this section, the Sec-  
8           retary may defer the retirement or separation of the  
9           officer.

10           “(2) *CONSENT REQUIRED.*—A deferment may  
11           only be made with the written consent of the officer  
12           involved. If the officer does not provide written con-  
13           sent to the deferment, the officer shall be retired or  
14           separated as scheduled.

15           “(3) *LIMITATION.*—A deferral of retirement or  
16           separation under this subsection may not extend for  
17           more than 30 days after completion of the evaluation  
18           requiring hospitalization or medical observation.”.

19 **SEC. 252. SEPARATION PAY.**

20           Section 242 (33 U.S.C. 3042) is amended by adding  
21           at the end the following:

22           “(d) *EXCEPTION.*—An officer discharged for twice fail-  
23           ing selection for promotion to the next higher grade is not  
24           entitled to separation pay under this section if the officer—

1           “(1) expresses a desire not to be selected for pro-  
2           motion; or

3           “(2) requests removal from the list of selectees.”.

4           **TITLE III—HYDROGRAPHIC**  
5           **SERVICES**

6           **SEC. 301. REAUTHORIZATION OF HYDROGRAPHIC SERVICES**

7           **IMPROVEMENT ACT OF 1998.**

8           (a) *REAUTHORIZATIONS.*—Section 306 of the Hydro-  
9           graphic Services Improvement Act of 1998 (33 U.S.C. 892d)  
10          is amended—

11           (1) in the matter before paragraph (1), by strik-  
12          ing “There are” and inserting the following:

13           “(a) *IN GENERAL.*—There are”;

14           (2) in subsection (a) (as designated by para-  
15          graph (1))—

16           (A) in paragraph (1), by striking “sur-  
17          veys—” and all that follows through the end of  
18          the paragraph and inserting “surveys,  
19          \$70,814,000 for each of fiscal years 2016 through  
20          2020.”;

21           (B) in paragraph (2), by striking “vessels—  
22          ” and all that follows through the end of the  
23          paragraph and inserting “vessels, \$25,000,000  
24          for each of fiscal years 2016 through 2020.”;

1           (C) in paragraph (3), by striking “Admin-  
2           istration—” and all that follows through the end  
3           of the paragraph and inserting “Administration,  
4           \$29,932,000 for each of fiscal years 2016 through  
5           2020.”;

6           (D) in paragraph (4), by striking “title—  
7           ” and all that follows through the end of the  
8           paragraph and inserting “title, \$26,800,000 for  
9           each of fiscal years 2016 through 2020.”; and

10          (E) in paragraph (5), by striking “title—  
11          ” and all that follows through the end of the  
12          paragraph and inserting “title, \$30,564,000 for  
13          each of fiscal years 2016 through 2020.”; and

14          (3) by adding at the end the following:

15          “(b) ARCTIC PROGRAMS.—Of the amount authorized  
16 by this section for each fiscal year—

17           “(1) \$10,000,000 is authorized for use—

18           “(A) to acquire hydrographic data;

19           “(B) to provide hydrographic services;

20           “(C) to conduct coastal change analyses nec-  
21           essary to ensure safe navigation;

22           “(D) to improve the management of coastal  
23           change in the Arctic; and

24           “(E) to reduce risks of harm to Alaska Na-  
25           tive subsistence and coastal communities associ-

1           *ated with increased international maritime traf-*  
2           *fic; and*

3           “(2) \$2,000,000 is authorized for use to acquire  
4           *hydrographic data and provide hydrographic services*  
5           *in the Arctic necessary to delineate the United States*  
6           *extended Continental Shelf.”.*

7           ***(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR***  
8           ***SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is fur-***  
9           ***ther amended by adding at the end the following:***

10           ***“(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR***  
11           ***SURVEYS.—Of amounts authorized by this section for each***  
12           ***fiscal year for contract hydrographic surveys, not more than***  
13           ***5 percent is authorized for administrative costs associated***  
14           ***with contract management.”.***

Calendar No. 688

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2206**

[Report No. 114-384]

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## **A BILL**

To reduce the incidence of sexual harassment and assault at the National Oceanic and Atmospheric Administration, to reauthorize the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes.

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NOVEMBER 28, 2016

Reported with an amendment